

## **DECISION AND REASONS**

**Dispute Codes:** OPC, MNR, MNDC, OLC, ERP, LRE, AAT, RR, O

### **Introduction**

This hearing was convened upon the joint applications of the landlord and the tenants. The landlords' application seeks:

1. An Order of Possession for Cause;
2. A monetary order for unpaid rent;
3. A monetary order for compensation for damage or loss;

Total Sum sought by the landlords: \$1,380.00

The tenants' application seeks:

1. A monetary order for compensation for damage or loss;
2. An Order that the landlords comply with the Act;
3. An Order that the landlords make emergency repairs;
4. An Order to suspend or set conditions on the landlord's right to enter the rental unit;
5. An Order to granting the tenants access to the rental unit for themselves or their guests;
6. An Order to allow the tenant to reduce rent for repairs, services or facilities;
7. Other.

Total sum sought by the tenants: \$25,000.00.

Both parties appeared and gave evidence under oath.

### **Summary of Background**

The landlord went into significant detail with respect to the reasons she issued the Notice to End Tenancy for Cause. The landlord then advised that the tenants had vacated the rental unit on October 21, 2009 and she no longer required the Order of Possession nor did she wish to make any claim for rental arrears.

The tenants testified that they vacated the rental unit on October 13, 2009 after being forced out. The tenants say there was a chemical smell emanating from the bedroom of another occupant. The tenants say they called the police and the fire department about the problem. The tenants say they are seeking recovery of rent for the period October 13 to October 31, 2009 in the sum of \$520.98. The tenants say the remainder of their monetary claim is for psychological damage.

### **Findings**

The landlord has withdrawn her application.

I will now address the tenant's application, the tenants did not dispute the Notice to End Tenancy given for Cause and I find that they have failed to provide sufficient evidence

to support a finding that they are entitled to recover rent paid for the balance of the month of October, 2009. The tenants' application for a rental refund is dismissed.

I find that the tenants have failed to provide sufficient evidence to support their claim for compensation for psychological damages in the sum of \$24,479.02. This claim is therefore also dismissed.