



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNR, MNDC, OLC, ERP, RP, RR, O, CNC, OPB, MND, FF

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the landlord the opportunity to testify at the hearing.

The tenants did not join the conference call that was set up for the hearing even though two of the applications were their own, and the landlord has served them with notice of hearing as well.

All testimony was taken under affirmation.

Issues(s) to be Decided

This decision deals with three applications for dispute resolution, two brought by the tenant and one brought by the landlords; however the tenants did not appear for the hearing and therefore both their applications have been dismissed without leave to reapply, and I have only heard the merits of the landlords application.

First of all it is my decision that I will not deal with all the issues that the landlord has put on the application. For claims to be combined on an application they must related.

Not all the claims on this application are sufficiently related to the main issue to be dealt with together.

I therefore will deal with request for an Order of Possession, and I dismiss the remaining damages claim, with liberty to re-apply.



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Decision and reasons

The tenants were served with a one month Notice to End Tenancy for cause, for breaching the tenancy agreement by having a cat in the rental unit, when it's clear in the tenancy agreement that no pets are allowed.

Tenants filed a dispute of the Notice to End Tenancy however they did not appear for the hearing, and therefore their application is dismissed without leave to reapply.

Therefore since the tenant's application to have a Notice to End Tenancy cancelled has been dismissed, the notice is still a valid notice and I have issued an Order of Possession to the landlords based on that notice.

Conclusion

Tenants applications

Both of the tenant's applications are dismissed without leave to reapply, and I have ordered that the tenants re-pay, to the Director of the Residential Tenancy Branch, the filing fee of \$50.00, which was previously waived for one of the applications.

Landlords application

I have issued an Order of Possession to the landlords on 1 p.m. on January 31, 2010. I further ordered that the respondent's bear the \$50.00 cost of the filing fee that was paid for the landlord's application for dispute resolution.

The landlords claim for \$1200.00 in damages is dismissed with leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 25, 2010.

Dispute Resolution Officer