

PRELIMINARY MATTERS AND REASONS FOR ADJOURNMENT

Dispute Codes: OPR / OPC, CNR / CNC, MNDC, MNSD, FF

Introduction

This hearing dealt with two applications: i) by the landlords for an order of possession, a monetary order as compensation for unpaid rent, and recovery of the filing fee; ii) by the tenants for cancellation of the notice(s) to end tenancy, a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement, return of the security deposit, and recovery of the filing fee.

Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether either party is entitled to any of the above under the Act, regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the original fixed term of tenancy was from February 1 to July 31, 2009. Thereafter, tenancy has continued on a month-to-month basis. Rent in the amount of \$1,200.00 is payable in advance on the first day of each month. A security deposit of \$600.00 was collected on or about January 12, 2009. A move-in condition inspection report was not completed.

The landlords issued a 1 month notice to end tenancy for cause dated April 18, 2010. The reason shown on the notice for its issuance is as follows:

Tenant is repeatedly late paying rent

Subsequently, as a result of rent which was unpaid when due on May 1, 2010, the landlords issued a 10 day notice to end tenancy for unpaid rent dated May 2, 2010.

During the hearing the tenants informed the landlords they have removed all their possessions from inside the unit, and that possessions which are now in the driveway will be removed later today. As a result of this information, the landlords indicated that they were prepared to withdraw their application(s) for an order of possession.

During the hearing the parties agreed to meet at the unit at 10:00 A.M. on Saturday, June 12, 2010, in order to complete a move-out condition inspection. The parties also agreed to attempt to resolve any dispute around the disposition of the security deposit at that time.

Additionally, during the hearing the parties agreed that rent has been paid in full to the end of April 2010. In aid of attempting to resolve the dispute around rent for May and June, the landlords offered to withdraw an application for recovery of any unpaid rent for June, in exchange for payment of rent for May. However, the tenants were unable to commit to such a payment, pending an opportunity to speak with family members. The tenants indicated their intention to speak with family members in advance of the meeting with the landlords on June 12.

Pending an opportunity to attempt to negotiate a settlement of their dispute during their meeting on June 12, both parties agreed to an adjournment of the hearing. A notice of dispute resolution will be mailed to the parties, informing them of the date and time of the next scheduled hearing. Should the parties resolve all issues in dispute between them before the date and time of the next scheduled hearing, the parties agreed to inform the residential tenancy branch in advance, so that the hearing may be cancelled.

DATE: June 11, 2010

Dispute Resolution Officer