

Decision

Dispute Codes: O

Introduction

This hearing dealt with an application by the tenants for an order to end tenancy. Both parties participated in the hearing and gave affirmed testimony.

Issue to be decided

- Whether the tenants are entitled to the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy is from January 1 to December 31, 2010. Rent in the amount of \$1,275.00 is payable in advance on the first day of each month. A security deposit of \$637.50 was collected at the outset of tenancy.

It is understood that by way of e-mail dated on or about July 13, 2010, the tenants gave notice of their intent to end the tenancy. Rent was paid up to the end of July 2010, and the tenants vacated the unit sometime during that month. The tenants claim that they vacated the unit as a result of a bug infestation. The landlord takes the position that there is no evidence of a bug infestation in the unit. The unit currently remains vacant.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and discussed various options available to each.

Analysis

The full text of the Act, regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

Section 44 of the Act addresses **How a tenancy ends**, and provides in part as follows:

44(1) A tenancy ends only if one or more of the following applies:

(d) the tenant vacates or abandons the rental unit;

Based on the documentary evidence and testimony of the parties, I find that as the tenants vacated the unit by July 31, 2010 and rent was paid up to that time, the tenancy effectively ended on that date. The tenant's application for an order to end tenancy is therefore redundant and is dismissed.

In the event that the parties are unable to resolve between them the remaining issues in dispute, both parties have the option of applying for dispute resolution. Matters in dispute appear to include, and are not necessarily limited to, claims related to the disposition of the security deposit, rent reduction, loss of rental income, and costs associated with cleaning and/or repairs allegedly required in the unit following the end of tenancy.

Conclusion

Pursuant to all of the above, the tenant's application for an order to end tenancy is hereby dismissed.

DATE: September 16, 2010

Dispute Resolution Officer