



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

INTERIM DECISION

Dispute Codes:

Tenants' application filed April 6, 2011: CNR; MNDC; OLC; RR; FF

Landlords' application filed April 20, 2011: OPR; MNR; MNSD; MNDC; FF

Introduction

This Hearing was convened to consider cross applications. The Tenants seeks to cancel a Notice to End Tenancy issued April 2, 2011; compensation for damage or loss under the Act, regulation or tenancy agreement; an Order that the Landlord comply with the Act, regulation or tenancy agreement; for a reduction in past or future rent for repairs, services or facilities not provided; and to recover the cost of the filing fee from the Landlords.

The Landlords seek an Order of Possession based on a Notice to End Tenancy issued April 7, 2011; a Monetary Order for unpaid rent and loss of revenue; to retain the security deposit in partial satisfaction of the Landlords' monetary award; and to recover the cost of the filing fee from the Tenants.

The parties gave affirmed testimony at the Hearing.

It was established that the Landlords received the Tenants' Notice of Hearing documents and copies of their documentary evidence on April 6, 2011. It was established that the Tenants received the Landlords' Notice of Hearing documents and copies of their documentary evidence on April 27, 2011.

Preliminary Matter

There are two Notices to End Tenancy that were issued for non-payment of April's rent. The Tenants applied to cancel the Notice issued April 2, 2011. The Landlords applied to uphold the Notice issued April 7, 2011. At the onset of the Hearing the Tenants

advised that they had not filed an application to cancel the Notice to End Tenancy issued April 7, 2011, and agreed that they had not paid rent for the month of April, 2011. The Tenants testified that they were in the process of moving out of the rental unit. Therefore the Tenants' application to cancel the Notice to End Tenancy issued April 2, 2011 is dismissed.

The parties agreed that the Landlords served the Tenants with the Notice to End Tenancy issued April 7, 2011, on April 7, 2011 at 7:24 p.m. at the rental unit. The Tenants have not paid rent for the month of April and are not disputing the Notice to End Tenancy. Therefore, I find that the tenancy ended in accordance with the provisions of Section 46(5)(a) of the Act, on April 17, 2011. The Landlord is entitled to an Order of Possession effective 2 days after service of the Order upon the Tenants.

Issues to be Decided

- Are the Landlords entitled to a Monetary Order for unpaid rent and loss of revenue?
- Are the Tenants entitled to compensation for loss of laundry facilities; loss of use of the bathrooms at the rental unit; the cost of a mould inspection; and the cost of medication?

I heard the testimony of both parties with respect to the remaining issues and advised them that I would be providing the Landlords with the Order of Possession immediately and would provide them with my Decision regarding the remainder of the issues within 30 days.

Conclusion

I hereby grant the Landlord an Order of Possession **effective 2 days after service of the Order upon the Tenants**. This Order must be served on the Tenants and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

The Tenants' application to cancel the Notice to End Tenancy issued April 2, 2011, is dismissed.

I will provide the parties with my Decision and reasons with respect to the remainder of their applications within 30 days.

This interim 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: May 03, 2011.

Residential Tenancy Branch