



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION**

### **Dispute Codes:**

Tenants' application filed September 1, amended September 8 and September 13, 2011: MT; CNC; CNR; MNDC; FF; O

Landlords' application filed September 7, 2011: OPC; OPB; MNR; MNSD; FF

Landlords' application filed September 13, 2011: OPR; MNR; MNSD; FF

### **Introduction**

This Hearing was convened to consider cross-applications. The Tenants seek more time to apply to cancel Notices to end the tenancy; to cancel a One Month Notice to End Tenancy for Cause and a Ten Day Notice to End Tenancy for Unpaid Rent; for compensation for damage or loss under the Residential Tenancy Act (the "Act"), regulations, or tenancy agreement; and to recover the cost of the filing fee from the Landlords.

The Landlords have made two applications. One Application seeks an Order of Possession for cause; an Order of Possession for breach on an agreement; a Monetary Order for Unpaid Rent; to apply the security deposit towards partial satisfaction of their monetary award; and to recover the cost of the filing fee from the Tenants. The other Application seeks an Order of Possession for unpaid rent; a Monetary Order for Unpaid Rent; to apply the security deposit towards partial satisfaction of their monetary award; and to recover the cost of the filing fee from the Tenants.

Both parties appeared and gave affirmed testimony.

### **Preliminary Matters**

At the outset of the Hearing, the Tenants testified that they are going to move out of the rental unit on September 30, 2011, and therefore they withdrew their applications: for more time to apply to cancel Notices to end the tenancy; to cancel a One Month Notice to End Tenancy for Cause; and to cancel a Ten Day Notice to End Tenancy for Unpaid Rent. I dismissed that portion of the Tenants' application

The Landlords' counsel stated that the Landlords were withdrawing their applications for Orders of Possession because the Tenants were moving out of the rental unit. I dismissed that portion of the Landlords' applications.

The Tenant SA testified that the Tenant BA served the Landlords with the Notice of Hearing documents, by handing the documents to the Landlord LB on September 3, 2011. The Landlord's counsel stated that his clients accepted service in this manner.

The Tenant SA testified that she provided each of the Landlords with copies of her amended Application filed September 13, 2011, by sending them registered mail. The Landlords' counsel stated that both of his clients admit service of the Tenants' amended Application. Based on the affirmed testimony of both of the parties, I find that the Tenants' Notice of Hearing documents have been sufficiently served in accordance with the provisions of Section 71(2)(c) of the Act.

The Landlords' counsel stated that the Landlords had received copies of the Tenants' documentary evidence and that the Landlords did not object to their inclusion.

The Landlord's counsel testified that the Landlords served the Tenant BA, by handing him the documents, with their Application filed September 7 and Notice of Hearing documents on September 7, 2011. The Tenant SA testified that the Tenant BA gave her copies of these documents. I find that the Tenants were sufficiently served in accordance with the provisions of Section 71(2)(c) of the Act.

The Landlord's counsel testified that the Landlords served the Tenants, by registered mail, with their Application filed September 13 and Notice of Hearing documents. The Tenants acknowledged receipt of these documents.

The Landlord's counsel testified that the Landlords did not serve the Tenants with a copy of a CD or a tape submitted in evidence, but did serve the Tenants with the remainder of their documentary evidence.

The Tenant SA testified that the Tenants did not receive any of the Landlords' evidence.

### **Issue(s) to Be Decided**

- Are the Tenants entitled to compensation pursuant to the provisions of Section 67 of the Act?
- Are the Landlords entitled to a monetary order for unpaid rent for the months of September and October, 2011?

After dealing with the preliminary matters, it became clear that the matters could not be concluded in the time frame allotted. Therefore, I adjourned the applications, to be heard on the date and time indicated on the enclosed Notice of Reconvened Hearing document.

The Tenants gave another address for service during the Hearing.

### **Interim Orders**

I hereby order the Landlords to serve each of the Tenants with copies of the documentary evidence that was provided to the Residential Tenancy Branch on September 7, 13, 15 and 22, 2011. These documents must be mailed, by registered mail, within 3 days of receipt of this Interim Decision, to the Tenants at the address provided in the Hearing. I order that the Landlords provide the Residential Tenancy Branch with the receipts and tracking numbers for the mailed documents.

These matters are adjourned to the date and time indicated on the enclosed Notice of Reconvened Hearing document.

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: September 29, 2011.

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Residential Tenancy Branch