



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

DISPUTE CODES: OPR, OPC MND, MNR, MNDC, CNC, LAT

INTRODUCTION:

This hearing was convened in response to joint applications filed by the tenant and the landlords.

The tenant seeks:

1. To Cancel a notice to End Tenancy given for Cause; and
2. The right to change the locks on the rental unit.

The landlords seek:

1. An Order of Possession
2. A monetary order; and
3. Recovery of the filing fee.

Both parties appeared at the hearing and gave evidence under oath.

BACKGROUND SUMMARY

The parties have engaged in arguments with each other. The tenant testified that she is willing to move but has not yet found a new rental unit. The tenant says she has paid her rent until the end of November 2011.

The landlords say they wish the tenant to vacate within 10 days.

The landlord testified that the tenant has not kept the oil tank full and as a result the tank ran out of oil and damaged the furnace. The landlord is seeking the cost of the repairs and the cost of refilling the oil tank.

The tenant says this is not true.

CONCLUSION

As the tenant is willing to vacate I will issue an Order of Possession in favour of the landlords for November 30, 2011.

With respect to the landlord's claim for recovery of costs for repairs and oil, I find that the landlords have supplied insufficient evidence to support their claims and their application is therefore dismissed.

As the tenant has agreed to vacate and the landlords have been unsuccessful in the remainder of their claims I decline to award them recovery of the filing fee.

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: November 02, 2011.

Residential Tenancy Branch