



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, MNR, OPR, FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties.

The Tenants filed their Application seeking an order cancelling a 10 day Notice to End Tenancy issued for unpaid utilities, for an order for the Landlords to comply with the Act or tenancy agreement, and to recover the filing fee for the Application.

The Landlords filed their Application seeking to end the tenancy under a 10 day Notice to End Tenancy issued for unpaid utilities, for a monetary order for unpaid utilities, and to recover the filing fee for the Application.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Issue

At the outset of the hearing the Landlords explained that they had received a monetary order for the unpaid water bill from an earlier hearing against a renter in another unit and that the Tenants had given their Notice to End Tenancy to the Landlords effective at the end of January 2012.

The Landlords requested an order of possession just in case the Tenants do not vacate in accordance with the notice give to the Landlords. I explained to the Landlords that their Application did not request this, as this issue would involve a claim that there has been a breach of an agreement with the Landlord. Therefore, I explained it was not appropriate to provide an order of possession in these particular circumstances.

The Landlords stated their only request now was for their filing fee back.

Issue(s) to be Decided

Are the Tenants entitled to their filing fee for the Application?

Are the Landlords entitled to their filing fee for the Application?

Analysis

Based on the above, the evidence and testimony, and on a balance of probabilities, I find that each of the Applications filed by the parties had merit.

Therefore, I award each party their filing fee of \$50.00.

As these fees offset each other, no monetary order is required.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: January 10, 2012.

Residential Tenancy Branch