



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

This hearing dealt with an application by the tenants for a monetary order. Both parties participated in the conference call hearing.

Issue to be Decided

Is a declaration of payment necessary or appropriate?

Background and Evidence

The tenants seek a declaration that the landlord received rental payments for a certain period during the tenancy. The tenants confirmed that they did not seek a monetary order for the return of those payments, but simply a declaration that the payments were made. The tenants provided evidence which they claim to have served on the landlord via regular mail. The landlord denied having received the evidence and testified that his claim against the tenants which included a claim for unpaid rent would be advanced in a hearing set to take place on September 24.

Analysis

As the tenants are not seeking relief in terms of a monetary order and as this issue is substantially related to a matter which will be heard on September 24, I decline to issue a declaration as to whether rent has been paid as it is more appropriate that the issue be heard together with the landlord's claim. The tenants' evidence has been placed in the file to be heard on September 24 and may be considered at that time, provided the tenants are able to prove that the landlord was served with the evidence.

Conclusion

The claim is dismissed.

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: July 20, 2012

Residential Tenancy Branch