



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **SECOND INTERIM DECISION**

### **Dispute Codes:**

Tenants' application filed September 21, 2012: MNDC; FF

Landlord's application filed December 20, 2012: MNR; FF

### **Introduction**

The Tenants' application was adjourned from December 12, 2012. An Interim Decision was rendered on December 12, 2012, which should be read in conjunction with this Interim Decision

The Tenants seek compensation for damage or loss under Section 51(2) of the Act, and to recover the cost of the filing fee from the Landlord.

The Landlord seeks a monetary order for unpaid rent and to recover the cost of the filing fee from the Tenants.

Both parties signed into the teleconference and provided affirmed testimony.

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

- Are the Tenants entitled to compensation in the equivalent of two month's rent?
- Is the Landlord entitled to a monetary award for unpaid rent for the month of August, 2012?

### **Preliminary Matter**

The Tenants stated that, contrary to my Order of December 12, 2012, they have not been served with the Landlord's documents. The Landlord stated that he misread my Interim Decision and Order of December 12, 2012, and did not realize that he had to serve the Tenants with the documents.

I advised the parties that we would not proceed with either application because the Landlord had not provided the Tenants with specific documents as ordered on December 12, 2012. On December 12, 2012, I found that copies of the Contract of Purchase and Sale and the purchaser's written request for vacant possession were

necessary in order to determine the Tenants' claim and that the Tenants do not have access to the documents.

The Landlord provided the Residential Tenancy Branch with copies of the documents on December 20, 2012.

Pursuant to the provisions of Section 62(3) of the Act, I adjourned this matter once again and ordered the Landlord to provide a copy of the following documents to the **Tenants by registered mail:**

1. **Contract of Purchase and Sale;** and
2. **Purchaser's written request for vacant possession.**

**These documents must be sent to the Tenants, registered mail, by the February 12, 2013.**

I repeated this Order to the Landlord and confirmed that he understood the Order.

As stated in my Interim Decision of December 12, 2012, the Tenants are at liberty to amend their application to include the purchasers as respondents, should they so desire. If the Tenants choose to amend their application, they must serve the amended application upon all Respondents in accordance with the provisions of Section 89 of the Act and at least 10 days before the reconvened Hearing.

### **Conclusion**

Both applications are adjourned to the date and time provided in the enclosed Notice to Reconvene. The Residential Tenancy Branch will provide both parties with a copy of the Notice to Reconvene. Neither party is required to serve the other with the Notice to Reconvene.

I Order that the Landlord provide the Tenants a copy of the Contract of Purchase and Sale and a copy of the purchaser's written request that the Landlord provide vacant possession of the rental unit because the purchaser or a close family member intends to occupy the rental unit. **The Landlord must serve the Tenants with these copies by registered mail, sent by February 12, 2013.**

The Tenants are at liberty to amend their application to include the purchasers as respondents.

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: February 08, 2013

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Residential Tenancy Branch

