



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes MNDC, OLC, RP, PSF, RR and FF

Introduction

This application was brought by the tenant seeking a monetary award for loss or damage under the legislation or rental agreement, an order for landlord compliance, repairs to the rental unit, the provision of service or facilities, a rent reduction and recovery of the filing fee for this proceeding.

The application arises from the discovery of mold in the rental unit due to high moisture content, the effects of which were exacerbated by the fact that the tenant's son has asthma and another allergy that increases his sensitivity to airborne irritants.

During the hearing, the tenant stated that she and her son would be leaving the tenancy on March 31, 2013 based on notice served on the landlord dated March 18, 2013. While the parties had been negotiating an end to the fixed term tenancy early, the landlord had declined to enter into a mutual agreement to end tenancy and the tenant had declined to give firm notice earlier.

Due to the substantial evidence submitted by both parties, it was not possible to complete this proceeding in the one hour allotted for it.

Therefore, this matter is adjourned to a time and date set out in the attached notice of hearing.

When the hearing reconvenes, the tenant must be prepared to verify that the landlord has received the reconvening Notice of Hearing.

The parties are reminded of their duty to do whatever is reasonable to minimize their losses, particularly with respect to beginning a new tenancy as soon as possible following the end of the present one.

For example, now that the landlord has a firm and written end date, she can begin to advertising as soon as possible, and the tenant might cooperate with any showings for prospective tenants in the interim.

If the tenancy has ended when the hearing resumes, some of the matters in dispute will become moot as a result and the application may be amended accordingly.

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: March 25, 2013

Residential Tenancy Branch

