



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

Tenants' application: CNC; CNR; ERP; RP; LRE; O

Landlord's application: OPR; MNR; MNSD; MNDC; FF

Introduction

This Hearing was convened to consider cross applications. The Tenants seek to cancel a Notice to End Tenancy for Cause and a Notice to End Tenancy for Unpaid Rent; an Order that the Landlord make regular and emergency repairs to the rental unit; an Order restricting or suspending the Landlord's right to access the rental unit; and other orders.

The Landlord seeks an Order of Possession; a Monetary Order for unpaid rent; compensation for damage of loss; to retain the security deposit in partial satisfaction of the Landlord's monetary award; and to recover the cost of the filing fee from the Tenants.

Both parties gave affirmed testimony at the Hearing.

It was established that the parties each served the other with their Notice of Hearing documents within the time frame required.

Preliminary Matter

The Tenants' Application for Dispute Resolution indicates that they are seeking "other" relief; however, they did not provide sufficient details in their Application with respect to what other relief they were seeking. When a party seeks "other" relief, the Application for Dispute Resolution requires the Applicant to provide details in the "Details of Dispute Resolution" section. No details were provided. Therefore this portion of the Tenants' application is dismissed.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession or should the Notices to End Tenancy be cancelled?
- Is the Landlord entitled to a monetary award for unpaid rent and damages?

- Are the Tenants entitled to the Orders sought?

Background and Evidence

Neither party provided a copy of either of the Notices to End Tenancy in evidence.

The parties agreed that there was a written tenancy agreement between them, but neither party provided a copy of the tenancy agreement.

The Tenants provided no documentary evidence in support of their application.

The Landlord testified that monthly rent is \$800.00, due on the first day of each month, and that the Tenants paid a security deposit in the amount of \$400.00 at the beginning of the tenancy.

The Tenants testified that monthly rent is \$795.00 and that they each paid a security deposit in the amount of \$198.45 at the beginning of the tenancy.

Analysis

Documentary evidence that supports an Applicant's claim is very important. Neither party provided copies of the Notices to End Tenancy. Therefore I cannot establish whether or not the Notices are effective because it is not possible to verify whether they comply with Section 52 of the Act.

Accordingly, the Landlord's application for an Order of Possession based on the two Notices issued in May, 2013, is dismissed. The Landlord is at liberty to issue another Notice to End Tenancy under section 46 or section 47 of the Act.

The Tenants did not provide sufficient evidence in support of their application for Orders that the Landlord make regular or emergency repairs, or that the Landlord's right of access to the rental unit should be suspended or limited. Therefore this portion of their application is dismissed.

The Tenants disagreed with respect to the amount of monthly rent and the security deposit that was paid. The Landlord did not provide sufficient evidence (for example, a copy of the tenancy agreement) to support his application for a monetary order for unpaid rent. Therefore, this portion of the Landlord's application is dismissed.

I order that the parties each bear their cost of filing their Applications.

The parties were both cautioned that they should provide any relevant available documentary evidence, to support any future Applications they may make.

Conclusion

Both parties' Applications are 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: June 14, 2013

Residential Tenancy Branch

