



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Landlord:	OPR, OPB, MNR, MND, MNSD and FF
Tenants	CNR, MNDC and FF

Introduction

This hearing was convened on applications by both the landlord and the tenants.

By application of June 11, 2013, the landlords sought an Order of Possession for unpaid rent and breach of a material term of the rental agreement. The landlords also sought a monetary award for unpaid rent or utilities, damage to the rental unit, recovery of their filing fee and authorization to retain the security deposit in set off.

By prior application of June 7, 2013, tenant sought to have the Notice to End Tenancy for unpaid rent set aside, and a monetary award for loss of services or facilities not provided.

By written submission and in evidence given orally during the hearing, the tenant stated that she had given the landlords notice written notice on May 31, 2013 that she would be vacating the rental unit on July 1, 2013 and did not object to the issuance of an Order of Possession in support of that notice.

Issue(s) to be Decided

This matter now requires a decision on whether either or both of the parties are entitled to a monetary award and in what amounts.

Background, Evidence and Analysis

This tenancy began on March 16, 2013 at rent of \$1,500 per month plus 70 percent of utilities according to the parties, but neither has submitted a copy of the rental agreement into evidence.

Item 2.3 under the *Rules of Procedure* provide that if an arbitrator determines that it is appropriate to do so, the arbitrator may dismiss unrelated disputes contained in a single application with or without leave to reapply.

In the present matter, while I do not have copies of either Notice to End Tenancy, the landlords' primary claim for an end to the tenancy has been resolved by the tenant having given notice to vacate the rental unit on July 1, 2013.

Section 63 of the Act provides that I may record that agreement in the form of a decision and the landlords are provided with an Order of Possession effective July 1, 2013.

However, the landlords' claim for damage to the rental unit is premature as the tenancy has not ended. In addition, the landlord has not submitted copies of the utilities billings claimed and they would not yet be available for the latter part of the tenancy. As the tenant has made off setting claims, I find that the monetary claims should be dealt with together. Therefore, I am dismissing the monetary components of both applications with leave to reapply.

The security deposit remains to be dealt with in accordance with section 38 off the *Act*.

Conclusion

By agreement and based on the tenant's notice to end tenancy dated May 31, 2013, the landlords' copy of this decision is accompanied by an Order of Possession to take effect at 1 p.m. on July 1, 2013.

Monetary claims submitted by both parties are dismissed with leave to reapply.

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 28, 2013

Residential Tenancy Branch