



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPC, OPL, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for an Order of Possession for Cause, for Landlord's Use of the Property and to recover the filing fee cost from the tenants.

Preliminary Matters

The parties confirmed receipt of the evidence each had supplied. The tenants submitted a copy of a decision and Order (files A and B) issued on June 18, 2013 by an arbitrator.

The June 18, 2013 decision resulted in cancellation of 2 Notice to end tenancy that had been issued by the landlord. A 1 month Notice ending tenancy for cause issued on May 29, 2013 and a 2 month Notice to end tenancy for landlord's use issued on May 24, 2013.

The landlord was again requesting an Order of possession based on the Notices that have been cancelled on June 18, 2013. I explained that the Notices were found to be of no force and effect and that the matter before me had been previously decided.

The June 18, 2013 decision also found that rent would be reduced by \$75.00 per month, to \$575.00. Orders for repair were also made, which are linked to the amount of rent owed.

The landlord said that they applied for review consideration but had not received a decision. A check of the file revealed that a review consideration decision had been issued on July 19, 2013 by a different arbitrator. The landlord's application for review consideration was dismissed and the decision and Orders issued on June 18, 2013 were confirmed. The parties were told they could expect a copy of the review decision in the mail.

The landlord acknowledged that she has refused rent payment for July 2013; as the tenants had not wanted to pay the full amount of rent owed. The landlord also refused

to accept June rent on the 1st day of that month; June rent is now paid. Rent is paid by cash and a receipt is issued.

The landlord was instructed to accept rent on the 1st day of each month in the sum ordered on June 18, 2013. The landlord was also told that they must comply with the decision and Orders issued and that their option for review now lies with the Supreme Court of British Columbia, via judicial review.

Conclusion

The matters have been previously decided; therefore, the application 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 26, 2013

Residential Tenancy Branch