



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Whistler Rental Properties
and [tenant name suppressed to protect privacy]

INTERIM DECISION

Dispute Codes:

CNR; ERP; PSF; LRE; RR; FF

Introduction

This is the Tenants' application to cancel a Notice to End Tenancy for Unpaid Rent; for an Order that the Landlord make emergency repairs; for an Order that the Landlord provide services or facilities required by law; for an Order suspending or setting conditions on the Landlord's right to enter the rental unit; for a rent reduction; and to recover the cost of the filing fee from the Landlord.

The parties gave affirmed testimony at the Hearing.

It was determined that the Tenants served the Landlord with the Notice of Hearing package and copies of their documentary evidence by registered mail, sent October 10, 2013.

The Landlord's agent stated that he received the documents "last week" because he was away. He stated that he had not had time to submit rebuttal evidence to the Residential Tenancy Branch or to the Tenants within the time limit set by the Rules of Procedure.

Preliminary Matters

The Tenant BR stated that the Tenants are in the process of moving out of the rental unit and therefore he no longer wants to cancel the Notice to End Tenancy. Therefore, this portion of the Tenants' application is dismissed. The tenancy is ending and therefore the Tenants' application for Orders that the Landlord make emergency repairs and that the Landlord provide services or facilities required by law is also dismissed.

The Tenant BR was advised about the provisions of Section 29 of the Act with respect to the Landlord's right to enter the rental unit. The Tenant BR indicated that he understood. This portion of the Tenants' application is also dismissed.

The Landlord's agent DK indicated that the Landlord would like to settle all issues between the parties with respect to unpaid rent and the Tenants' application for a rent

reduction. The Tenant BR declined to enter in settlement discussions without the input of the Tenant ER.

The remainder of the Tenants' application was adjourned. The Landlord was given leave to file a cross application.

The parties agreed to perform a move-out Condition Inspection at 12:00 noon on October 30, 2013.

The Tenant BR provided an address for service of documents.

Conclusion

The Tenants' application for a rent reduction and for recovery of the cost of the filing fee was **adjourned** in order to allow the Landlord to provide rebuttal evidence and to file a cross-application. The remainder of the Tenants' application is **dismissed**.

The parties agreed to perform a move-out Condition Inspection of the rental unit **at 12:00 noon on October 30, 2013**.

Notices of the time and date of the reconvened hearing are included with this Interim Decision for the Tenants to serve to the Landlord within 3 days of receipt of this Interim Decision.

Fact sheets that explain evidence and service requirements are available at <http://www.rto.gov.bc.ca/content/publications/factSheets.aspx>. If either party has any questions they may contact an Information Officer with the Residential Tenancy Branch at:

Lower Mainland: 604-660-1020

Victoria: 250-387-1602

Elsewhere in BC: 1-800-665-8779

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: October 28, 2013

Residential Tenancy Branch