



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

Tenants' application filed April 11, 2014: CNR; MNDC; OLC; RR; FF

Landlord's application filed April 16, 2014: OPR; MNR; MNSD; FF

Introduction

This Hearing was convened to consider cross applications. The Tenants seek to cancel a 10 Day Notice to End Tenancy for Unpaid Rent; compensation for damage or loss under the Act, regulation or tenancy agreement; an Order that the Landlord comply with the Act, regulation or tenancy agreement; a reduction in rent; and to recover the cost of the filing fee from the Landlord.

The Landlord seeks an Order of Possession; a Monetary Order for unpaid rent; 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.

The Tenants gave affirmed testimony at the Hearing. The Landlord did not sign into the Hearing.

The Landlord's application was scheduled to be heard on June 4, 2014, at 10:30 a.m. The Tenants testified that they had received the Notice of Hearing for the Landlord's Application for Dispute Resolution and that they were ready to proceed. By 10:40 a.m., the Landlord had not yet signed into the Hearing. Therefore I dismissed the Landlord's application **without leave to reapply**. The Hearing continued with respect to the Tenants' application.

Preliminary Matters

At the outset of the Hearing, the Tenants advised that they had moved out of the rental unit on June 1, 2014. They stated that they paid no rent for the month of May, 2014. The Tenants testified that they wished to add to their initial claim to include other compensation. I explained to the Tenants that I would only consider what they had identified on their Application for Dispute Resolution filed April 11, 2014, because the Landlord had not been given notice that the Tenants were seeking other compensation.

I also explained that the Tenants were free to file another Application for Dispute Resolution with respect to any additional claims.

I dismissed the Tenants' application for the following reasons:

1. The tenancy is over and therefore their application to cancel the Notice to End Tenancy and for an Order that the Landlord comply with Section 32 of the Act is moot.
2. The Tenants sought compensation in the amount of \$950.00 in the form of reduced rent for the month of May, 2014; however, the Tenants paid no rent for the month of May, 2014.

I make no Order with respect to the Tenants request for recovery of the cost of the filing fee.

Conclusion

The Landlord's application is **dismissed without leave to reapply**.

The Tenants' application is also **dismissed without leave to reapply**. The Tenants are at liberty to file another application for additional compensation if they chose to do so.

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 04, 2014

Residential Tenancy Branch

