



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, MNR, OPR, MNDC, FF

### Introduction

This hearing dealt with an application by the tenants for an order setting aside a notice to end this tenancy and a monetary order. The landlords filed a cross application requesting an order of possession and a monetary order. All parties were represented at the hearing.

The parties agreed that the tenants had completely vacated the rental unit by Friday, August 8. As the tenancy has ended and the unit is vacant, I consider the claims for an order of possession and an order setting aside the notice to end tenancy to have been withdrawn.

At the hearing the tenant T.K. advised that she wished to withdraw the tenants' claim for compensation. The hearing proceeded to deal exclusively with the landlord's claim for compensation.

### Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

### Background and Evidence

The parties agreed that the tenants occupied the rental unit under a licence to occupy and that no rent was payable to the landlord during the tenancy. The landlords claimed that the tenants were supposed to have vacated the rental unit in April and that they left belongings in the unit until August 8, preventing them from re-renting the unit. The landlords seek to recover lost income for that period.

The landlords claimed that the tenants agreed to vacate the unit in April while the tenants claim that there was no agreement as to a specific time for them to vacate the unit.

Analysis

In order to prove his claim, the landlord must prove that the tenants breached the tenancy agreement or legislation and that this breach caused them to suffer a loss. As the tenants denied that they were required to vacate the unit in April and as there is no agreement in writing, I find that the landlords have not proven that the tenants breached the Act or tenancy agreement and I dismiss the claim.

Conclusion

The tenants' claim has been withdrawn and the landlords' claim is dismissed.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: August 11, 2014

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Residential Tenancy Branch

