



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNDC, MNR

### Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent and for money owed or compensation for damage or loss suffered under the Act, regulation or tenancy agreement, and an order to recover the filing fee. Both parties participated in the conference call hearing. The tenants confirmed that they were served with the Notice of the Hearing package along with the landlords' documentary evidence. I am satisfied that said documents' have been served in accordance with the Act and the Rules of Procedure.

### Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

### Background, Evidence

The landlord's testimony is as follows. The tenancy began sometime in June 2012 and ended on December 13, 2013. The tenants were obligated to pay \$1500.00 per month in rent in advance and at the outset of the tenancy the tenants paid a \$750.00 security deposit that has been returned. The landlord stated that the tenants were to vacate the home by December 1, 2013 but remained in the home until December 13, 2013. The

landlord stated that the tenants did not pay him for that time frame and he now seeks \$750.00 of unpaid rent.

The landlord stated that he is seeking \$1600.00 in unpaid by-law fines. The landlord stated that the tenants had so many parties and caused such disturbance that he was issued 8 separate tickets that remain unpaid as of today's hearing.

The tenants' testimony is as follows. The tenants dispute the amount of unpaid rent. The tenants referred to a previous hearing and decision of the Branch that shows the landlord was paid rent for the time frame of December 1-13, 2013. The tenants stated that issued has been addressed and should be dismissed from this hearing.

The tenants stated that the bylaw tickets were not brought to their attention until months later. The tenants stated that they were not given an opportunity to address or challenge the tickets. The tenants stated that they were not informed of the "bylaw fines" until after they had moved out. The tenants stated that the landlord only brought it up as a result of the tenants filing an application at the Branch and being successful in that application. The tenants stated that the landlord should have informed of the tickets immediately as they would have challenged them.

### Analysis

I have reviewed the previous decision that both parties alluded to during the hearing and it clearly states that the landlord had been paid the rent for December 2013. As that matter has been dealt with, it is clearly falls under the definition of Res Judicata and I dismiss this portion of his application.

In relation to the by-law fines, the landlord did not advise or warn the tenants of their behaviour to provide an opportunity for the tenants' to correct and rectify the situation. In addition, the landlord ignored the fines until the tenants brought forward an application at the Branch. The tenants stated on numerous occasions that they would have

challenged these fines had they been informed in a timely manner. Also, the tenants feel the landlord was negligent in his duties by not at the very least; bringing it to their attention at the time that they were issued so that if they chose to pay the fine, it would be the lowest amount possible. I find that the landlord did not deal with these issues in a reasonable time frame or allow the tenants an opportunity to correct their alleged behaviour. Based on the above, and on the balance of probabilities, I dismiss the landlord's application.

### Conclusion

The landlords' application is dismissed in its entirety.

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 24, 2015

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Residential Tenancy Branch

