



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

Tenants' Application filed June 5, 2015, amended July 17, 2015: CNR; MNDC; MNSD; RR; FF

Landlords' Application filed June 10, 2015, amended July 15, 2015: OPR; MNR; FF

Introduction

This Hearing was scheduled to consider cross applications. The Tenants filed an Application for Dispute Resolution on June 5, 2015, seeking to cancel a Notice to End Tenancy for Unpaid Rent; and a rent reduction. On July 17, 2015, the Tenants amended their Application to include claims for return of the security deposit; compensation for damage or loss; and to recover the cost of the filing fee from the Landlord.

The Landlords filed an Application for Dispute Resolution on June 10, 2015, seeking an Order of Possession; a monetary award for unpaid rent; and to recover the cost of the filing fee from the Tenants. On July 15, 2015, the Landlords amended their Application to increase the amount of the monetary award.

The parties gave affirmed testimony at the Hearing.

At the outset of the Hearing, it was determined that the Tenants are no longer living at the rental unit. The Tenants stated that they moved out on June 29, 2015. The Landlord stated that she did not know when they moved, but that they moved out at some point before July 15, 2015. Therefore, the Landlords' application for an Order of Possession and the Tenants' application to cancel the Notice to End Tenancy are dismissed.

The Landlord stated that she did not serve the Tenants with her amended Application because she did not know their current address for service. The Tenants stated that they left their Notice of Hearing documents and amended application in the Landlords' mailbox.

I find that neither party served the other with their amended Application in accordance with the provisions of Section 89 of the Act. I dismissed both Applications, with leave to reapply.

The Tenants provided a new address for service of documents during the Hearing. The Landlord acknowledged that she had written down the address.

Both parties were strongly advised to speak to an Information Officer and/or go to the Residential Tenancy Branch's website before re-applying. An Information Sheet accompanies this Decision which includes contact information and a link to the website.

Conclusion

The Landlords' application for an Order of Possession is dismissed.

The Tenants' application to cancel the Notice to End Tenancy is dismissed.

The remainder of the parties' Applications are dismissed **with leave to reapply**. This does not extend any existing time limits that may apply.

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 31, 2015

Residential Tenancy Branch

