



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, OPT, FF, O

This hearing was set to deal with an application by the tenant for an order of possession and an order compelling the landlords to comply with the Act, regulation or tenancy agreement. Both parties appeared and had an opportunity to be heard.

After some discussion the parties agreed that the tenancy will end by agreement, at 1:00 pm, December 31, 2015, and an order of possession will be granted to the landlords for that date.

There is an ongoing issue between the landlords and the tenant regarding the validity of fines being imposed on the landlord by the strata council and then charged to the tenant. Although there was some discussion on this issue the parties were not able to come to any agreement. I advised the parties that as I did not have an application by the landlords for a monetary order before me I did not have the jurisdiction to hear and decide the question of whether the tenant is responsible for the fines.

The parties were advised that:

- The tenant is responsible for the November and December rent.
- If the landlord applies any monies paid to the strata fines before the rent and then serves the tenant with a 10 Day Notice to End Tenancy for Non-Payment of Rent and the tenant does not agree with that allocation of her payment she should file an application disputing the notice to end tenancy within the time limit for doing so.
- The landlord may apply to the Residential Tenancy Branch claiming recovery of the strata fines from the tenant.
- The landlord may not deduct anything from the security deposit or pet damage deposit without the written consent of the tenant or an arbitrator's order.

- If the tenant should move out of the unit before December 31 she is still responsible for the December rent but the landlord is obligated to try to re-rent the unit as soon as possible.

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: November 10, 2015

Residential Tenancy Branch

