



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, OLC, ERP, FF

This hearing was convened in response to an application by the Tenants pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for the return of the security deposit - Section 38;
2. An Order for the Landlord's compliance - Section 62;
3. An Order for emergency repairs - Section 32; and
4. An Order to recover the filing fee for this application - Section 72.

At the onset of the hearing the Tenants stated that since making the application they were served with an eviction notice that the Tenants have not disputed. The Tenants stated that they are moving out by the end of May 2016. The Tenants state that the emergency repairs have been made. The Tenants indicate that they wish to claim compensation in relation to losses that occurred during the tenancy and that the monetary amount indicated in the application represents the security and pet deposit being claimed.

Since the Tenants have not yet moved out of the unit I find that the claim for return of the security and pet deposit is premature and I dismiss this claim with leave to reapply.

As there are no emergency repairs and as the Tenants are moving out of the unit I dismiss the claims for emergency repairs and the Landlord's compliance. As no claim for compensation has been made by the Tenants in the current application, the Tenants remain at liberty to make a claim for compensation in relation to any losses suffered during the tenancy. As there are no matters that may be disputed at this hearing I find that the Tenants are not entitled to recovery of the filing fee and I dismiss this claim.

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: May 12, 2016

Residential Tenancy Branch