



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNDC, MNR, MNSD

Introduction

This is an application brought by the Landlord requesting a monetary order in the amount of \$8425.00.

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

The landlord stated that they dropped off a binder of evidence on July 15, 2016, however that is not within the timeframe required in the rules of procedure, and therefore that evidence has not been considered.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties..

All parties were affirmed.

Issue(s) to be Decided

The issue is whether or not the applicant has established a monetary claim against the respondents, and if so in what amount.

Background and Evidence

The parties agree that the monthly rent for this rental unit was \$2350.00.

The applicants are claiming three months outstanding rent for the months of December 2015, January 2016, and February 2016.

The applicants are also claiming that the price they received from the sale of the rental unit was diminished due to the poor condition in which the tenants kept the rental unit, and therefore they are also asking for \$1375.00 compensation for that reduced value.

The tenants have admitted that they did not pay rent for the months of December 2015, January 2016, and February 2016; however they stated that a previous decision found that the landlord had not provided proper evidence to show to whom that rent should be paid.

Analysis

As stated above the landlords did not provide their evidence package within the required timeframe and therefore their evidence package has not been considered. Therefore it's my finding that in the absence of any evidence to support their claim that the price they received from the sale of the rental unit was diminished due to the condition in which it was kept; their claim for compensation is dismissed without leave to reapply.

Further, in a previous arbitration the arbitrator stated the following:

The Landlord did not provide a copy of the Court Order(s), and therefore I find that I have insufficient evidence with respect to whom the Monetary Order for

unpaid rent should be given (i.e. the Landlord or the mortgage holder, or someone else). Therefore, the Landlord's application for a monetary award for unpaid rent is dismissed with leave to reapply.

In today's arbitration the applicants have again failed to properly provide evidence with respect to whom the Monetary Order for unpaid rent should be given, and therefore; even though the tenants admit that they have not paid three months' rent, it's my decision that this portion of the claim be dismissed with leave to reapply.

Conclusion

The applicants claim for three months of unpaid rent is dismissed with leave to reapply.

The remainder of the applicants claim is dismissed without leave to reapply.

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 20, 2016

Residential Tenancy Branch