



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## ECISION

Dispute Codes      MNDC, FF

### Introduction and Conclusion

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed July 18, 2017, wherein the Tenants sought the following:

- a. a monetary order in the sum of \$9,486.00 for breach of quiet enjoyment and aggravated damages;
- b. an Order that the Landlord comply with the *Residential Tenancy Act*, the *Regulation* or the tenancy agreement; and,
- c. an order to recover the cost of the filing fee.

The hearing was conducted by conference call on September 28, 2017, in the presence of both parties.

During the hearing the Tenant, S.G., confirmed the Tenants wished to withdraw their application. She noted that the tenancy ended on August 31, 2017 such that their request that the Landlord comply with the *Residential Tenancy Act*, the *Regulation* or the tenancy agreement was no longer applicable.

Further, in the Tenants' application they write that they seek monetary compensation in the form of a rent abatement for the Landlords' alleged failure or refusal to respond to their notification of excessive noise transfer as it related to the upstairs occupants. That issue was dealt with in detail by Arbitrator Morrison in a Decision dated February 8, 2017.

Both parties submitted voluminous materials in respect of the application before me. The materials field deal with matters which are no longer relevant, or have been addressed in previous hearings.

*Residential Tenancy Branch Rules of Procedure* 1.1 provides that the objective of the *Rules of Procedure* is to ensure a fair, efficient and consistent process for resolving disputes for landlords and tenants. Pursuant to *Rule 1.1*, and sections 62 and 64 of the *Residential Tenancy Act* I Order as follows:

If either party files a claim in respect of this tenancy they must:

1. clearly indicate, in written submissions to be filed at the same time as filing of their application, that the issues raised were not previously dealt with in the Decisions rendered on the following date:
  - a. December 24, 2016;
  - b. February 8, 2017;
  - c. February 20, 2017;
  - d. May 12, 2017; and,
  - e. July 26, 2017.

(The file numbers relating to these Decisions are noted on the unpublished cover page of this my Decision); and,

2. provide a copy of this my Decision, as well as the above noted Decisions, in their Application Materials.

This Decision does not extend any time limits prescribed in the *Act* and 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: September 28, 2017

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Residential Tenancy Branch