



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, ERP, RP, MNDC, MNR, OLC, RR, FF

Introduction

This hearing was convened by way of conference call concerning an application made by the tenants seeking:

- an order cancelling a notice to end the tenancy for unpaid rent or utilities;
- an order that the landlords make emergency repairs for health or safety reasons;
- an order that the landlords make repairs to the unit, site or property;
- a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement;
- a monetary order for the cost of emergency repairs;
- an order that the landlords comply with the *Act* or the tenancy agreement;
- an order reducing rent for repairs, services or facilities agreed upon but not provided; and
- to recover the filing fee from the landlords for the cost of the application.

Both tenants and both landlords attended the hearing and gave submissions, during which the parties agreed that the tenants vacated the rental unit on September 1, 2017. The tenants withdrew the application for an order cancelling a notice to end the tenancy for unpaid rent or utilities.

Since the tenants have vacated the rental unit, I dismiss the following claims:

- an order that the landlords make emergency repairs for health or safety reasons;
- an order that the landlords make repairs to the unit, site or property;
- an order that the landlords comply with the *Act*, regulation or the tenancy agreement; and
- an order reducing rent for repairs, services or facilities agreed upon but not provided.

Further, during the course of the hearing, the tenants advised that they have reduced rent for the last month of the tenancy by the amount of their claim, including return of the security deposit and pet damage deposit, and as such the landlords are not indebted to the tenants. I make no findings of fact or law with respect to the merits of the tenants' claim, however since the tenants agree that the landlords do not owe the tenants any money, the balance of the tenants' claim must be dismissed. I have no application before me by the landlords, and considering submissions made by the parties, I find it just to avoid limiting the tenants' ability to make a monetary claim to off-set any claims made by the landlords in the future. Therefore, I dismiss the tenants' monetary claims herein with leave to reapply.

Since the tenants have not been successful with the application, the tenants are not entitled to recovery of the filing fee.

Conclusion

For the reasons set out above, the tenants' application for an order cancelling a notice to end the tenancy for unpaid rent or utilities is withdrawn by the tenants.

The tenants' applications for:

- an order that the landlords make emergency repairs for health or safety reasons;
- an order that the landlords make repairs to the unit, site or property;
- an order that the landlords comply with the *Act* or the tenancy agreement; and
- an order reducing rent for repairs, services or facilities agreed upon but not provided

are hereby dismissed.

The tenants' application for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement is hereby dismissed with leave to reapply.

The tenants' application for a monetary order for the cost of emergency repairs is hereby dismissed with leave to reapply.

The tenants' application for an order to recover the filing fee from the landlords is hereby dismissed.

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: September 29, 2017

Residential Tenancy Branch