



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, MNSD
MT, CNR, AAT, ERP, RP, LAT, LRE, MNR, MNSD, OLC, PSF, RR,
SS, FF, O

Introduction

This hearing was convened by way of conference call concerning applications made by the landlord and by the tenants. The landlord has applied for an Order of Possession and a monetary order for unpaid rent or utilities; a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement; and for an order permitting the landlord to keep all or part of the pet damage deposit or security deposit.

The tenants have applied for:

- more time than prescribed to dispute a notice to end the tenancy;
- an order cancelling a notice to end the tenancy for unpaid rent or utilities;
- an order allowing access to the rental unit for the tenants or the tenants' guests;
- an order that the landlord make emergency repairs for health or safety reasons;
- an order that the landlord make repairs to the unit, site or property;
- an order permitting the tenants to change the locks to the rental unit;
- an order limiting or suspending the landlord's right to enter the rental unit;
- a monetary order for the cost of emergency repairs;
- a monetary order for return of all or part of the pet damage deposit or security deposit;
- an order that the landlord comply with the *Act*, regulation or tenancy agreement;
- an order that the landlord provide services or facilities required by the tenancy agreement or law;
- an order reducing rent for repairs, services or facilities agreed upon but not provided;

- an order permitting service of documents in a different way than set out in the *Residential Tenancy Act*; and
- to recover the filing fee from the landlord for the cost of the application.

The landlord and both tenants attended the hearing and a discussion took place with respect to settling this dispute. It was determined during the course of those settlement discussions that the landlord has collected rent beyond the effective date of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities without notifying the tenants in writing that the money was being accepted for use and occupancy only and did not serve to reinstate the tenancy.

In the circumstances, I have denied the landlord's application for an Order of Possession. The landlord is at liberty to issue another notice to end the tenancy if rent remains unpaid.

The tenants' application is hereby dismissed in its entirety with leave to reapply.

Conclusion

For the reasons set out above, the landlord's application for an Order of Possession is hereby dismissed.

The landlord's applications for a monetary order for unpaid rent or utilities, and for a monetary order for damage or loss, and for an order permitting the landlord to keep the security deposit in partial satisfaction of the claim are hereby dismissed with leave to reapply.

The tenants' application is hereby dismissed in its entirety with 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: October 12, 2017

Residential Tenancy Branch