



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Landlord: OPL FF O
 Tenant: CNL MNDC FF

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “*Act*”).

The Landlords’ Application was received at the Residential Tenancy Branch on August 23, 2017 (the “Landlords’ Application”). The Landlords applied for the following relief pursuant to the *Act*:

- an order of possession based on a Two Month Notice to End Tenancy for Landlord’s Use of Property, dated July 27, 2017 (the “Two Month Notice”);
- an order granting recovery of the filing fee; and
- other unspecified relief.

The Tenants’ Application was received at the Residential Tenancy Branch on August 2, 2017 (the “Tenants’ Application”). The Tenants applied for the following relief, pursuant to the *Act*:

- an order cancelling the Two Month Notice;
- a monetary order for money owed or compensation for damage or loss; and
- an order granting recovery of the filing fee.

At the beginning of the hearing, the parties were advised that Rule 2.3 of the Residential Tenancy Branch Rules of Procedure permits an arbitrator to exercise discretion to dismiss unrelated claims with or without leave to reapply. In these circumstances, I find it appropriate to exercise my discretion to sever the Tenants’ claim for monetary relief for loss of quiet enjoyment. The Tenants are granted leave to reapply for the monetary relief sought at a later date.

The Landlords attended the hearing on their own behalves. The Tenants were both represented at the hearing by A.L.C. All parties giving testimony provided a solemn affirmation.

During the hearing, the parties advised that the Tenants have moved out of the rental unit. On behalf of the Landlords, M.J.T. advised that the Tenants were given compensation under section 51(1) of the *Act*, and that the security deposit has been returned to the Tenants. Accordingly, the parties' Applications are moot. The Landlords' Application is dismissed. Subject to the exercise of my discretion under Rule of Procedure 2.3, described above, the Tenants' Application is dismissed.

As the parties resolved the dispute between themselves, I decline to award recovery of the filing fees paid to either party.

Conclusion

The Landlords' Application is dismissed, without leave to reapply.

Subject to the exercise of my discretion under Rule of Procedure 2.3, described above, the Tenants' Application 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: October 26, 2017

Residential Tenancy Branch