



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MT, CNL, CNR, MNSD, OPL

### Introduction

This hearing was convened in response to applications by the landlord and the tenants.

The landlord's application is seeking orders as follows:

1. For an order of possession;;
2. To keep all or part of the security deposit; and
3. To recover the cost of filing the application.

The tenants' application is seeking orders as follows:

1. To be allowed more time to make an application to dispute a notice to end tenancy;
2. To cancel a Two Month Notice to End Tenancy for Landlords Use;
3. For a monetary order for money owed or loss;
4. Return all or part of the security deposit; and
5. To recover the cost of filing the application.

Both parties appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

### Preliminary and procedural matters

At the outset of the hearing the tenants stated that they have found new living accommodations and will vacated the premises no later than December 6, 2017.

The landlord is agreeable for the tenants to vacated by the December 6, 2017, and seek an order of possession. The parties agreed to meet at the rental unit on December 6, 2017, at 4:15 pm to completed the move-out inspection .

As the parties agreed the tenancy will end on December 6, 2017, I find it not necessary to consider the tenant's application to be allowed more time. Therefore, I dismiss this portion of their claim.

I find that the landlord is entitled to an order of possession, pursuant to section 55 of the Act, effective at **4:15 pm on December 6, 2017**. This order may be filed in the Supreme Court and enforced as an order of that Court. The **tenants are cautioned** that costs of such enforcement are recoverable from the tenants.

As the tenancy legally ends on December 6, 2017, I find that the tenant's application for the return of the security deposit and the landlord's application claiming against the security deposit are premature. The parties are required to comply with section 38 of the Act at the end of the tenancy. Therefore, I dismiss this portion of their respective claims with leave to reapply.

As both parties paid a filing fee for their respective application, I decline to award the cost to either party.

### Conclusion

The tenant's application to be allowed more time to make an application to cancel a notice to end tenancy and cancel Two Month Notice to End Tenancy for Landlord's Use are dismissed. The tenancy legally ends on December 6, 2017. The landlord is granted an order of possession.

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: December 01, 2017

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Residential Tenancy Branch