



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OLC, RR, RP, FF

### Introduction

The tenants apply for a compliance order, a repair order and a rent reduction.

Since making this application the tenancy has ended and the tenants have moved. The issues regarding a compliance order or a repair order are therefore moot; a determination of them would serve no practical purpose.

The tenants' rent reduction claim is actually a monetary claim for damages based on the assertion that their second bathroom was not useable for a period of time, that they did not get to use the garage for storage as promised, and that the air conditioning did not work over a very hot summer.

The tenants have filed evidence in support of the remaining claim but the landlord denies receiving it or anything else from the tenants but for the notice of this hearing.

The evidence shows that the landlord received a signed for a registered mailing from the tenants which they say contained all their evidence but which the landlord says did not.

The landlord attempted to make a counterclaim in this application for a monetary award for rent to the end of the fixed term and for water utility costs. She was informed that in order to clothe an arbitrator with the power to deal with her claim she must make her own application for dispute resolution. She indicated that she would do so immediately.

In all the circumstances it is not reasonably possible to determine with any certainty that the tenants' evidence has or has not been delivered to the landlord. As well, it is in the best interests of the parties and of justice that these claims be heard together.

It was agreed that the tenants' claim will be dismissed with leave to re-apply.

The parties should ensure that when their applications are brought they inform the Residential Tenancy Branch if they have been served with an application brought by the other, so that the Branch may assure that the matters will be heard together.

The tenants seek recovery of the \$100.00 filing fee for this application. I specifically refer that question to the arbitrator hearing the matter should the tenants re-apply.

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: February 22, 2018

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Residential Tenancy Branch