



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Tenant: CNC OLC

Landlord: OLC MNR-L

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties. The participatory hearing was held, via teleconference, on June 6, 2018. Both parties applied for multiple remedies pursuant to the Residential Tenancy Act (the Act).

Both parties attended the hearing. All parties provided affirmed testimony and were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence submitted in accordance with the rules of procedure, and evidence that is relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters

Both parties agreed that the tenancy ended on April 28, 2018, when the Tenants vacated the rental unit. As such, I find the Tenants' application is now moot, and I dismiss it in its entirety, without leave to reapply. Further, as the Landlord stated she does not require an order of possession, I dismiss this portion of the Landlord's application, without leave to reapply.

The Landlord also testified that she already has a monetary order for unpaid rent from a previous hearing (in April of 2018). Then, the Landlord applied again (by way of this hearing) to get permission to keep the security deposit to offset the monetary order she had just received for the unpaid rent. After filing her application to retain the security deposit to offset the monetary order she received, the Landlord became aware that section 38(3) of the Act allows her to retain the security deposit to offset an amount

previously ordered to be paid by the Director. Since section 38(3) of the Act allows for the Landlord to retain this amount without an application, I dismiss her application on this matter.

At the hearing, the Landlord stated that she has a monetary order for \$2,588.00, and she holds a security deposit in the amount of \$1,200.00, which she is going to keep to offset the order she has, pursuant to section 38(3) of the Act. The Tenant stated he was going to drop off the remaining \$1,388.00 in the Landlord's mailbox on June 15, 2018. The Landlord was agreeable to this plan.

Conclusion

The Tenants' and the Landlord's applications are dismissed, in full, 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: June 06, 2018

Residential Tenancy Branch