



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

Introduction

This hearing was scheduled in response to the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement pursuant to section 62.

The tenants and the landlord attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed that he had received the tenants' application; therefore I find the landlord was duly served with these documents in accordance with sections 88 and 89 of the *Act*.

The tenants filed their application October 30, 2018. In the description of the application the tenants' wrote;

"LL failed to complete walk-out w prev. tenant & refused to do walk-in condition report with us. Rental unit wasn't cleaned and required significant energy expenditure prior to entry. LL refuses adequate compensation whilst charging prev. tent. double. LL fails to adhere to rules set in Div 4, Sec. 29 "Landlord's right to enter rental unit restricted" to the point tenants unable to enjoy peacefully. Tenants request cleaning fee and double security/pet deposits as per Div 5, sec 36 "consequences."

[Reproduced as written]

At the outset of the hearing the parties confirmed that the tenancy had ended November 1, 2018. As the tenancy has ended, and as a landlord's compliance in relation to section 29 of the *Act* may only be sought in relation to an ongoing tenancy I dismiss this portion of the tenants' claim, without leave to reapply. I find the tenants' claim for the return of the security deposit was made prematurely as they had not vacated the unit at the time the application was made. For this reason, this portion of the tenants' claim is

dismissed with leave to reapply. The tenants' claim for a cleaning fee was not specific, a monetary amount was not included; therefore this portion of the tenants' claim is dismissed with leave to reapply.

Conclusion

The tenants' application for an order in relation to section 29 of the *Act*, is dismissed without leave to reapply.

The remainder of the tenants' application is dismissed 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: December 06, 2018

Residential Tenancy Branch