



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes OPC, OPL, CNC, CNL, RR, MNDC-S, FF

Introduction

This hearing dealt with applications from both the landlord and the tenants under the *Residential Tenancy Act* (the *Act*). The landlord applied for:

- an order of possession for cause and for landlord's use pursuant to section 55;
- a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- authorization to recover his filing fee for this application from the tenants pursuant to section 72.

The tenants' applied for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65.

Both parties attended the hearing via conference call and provided testimony. Both parties confirmed their understanding of the issues and were prepared to proceed with the hearing. Both parties made submissions and presented evidence. Neither party raised any service issues. I accept the testimony of both parties and find that both parties have been sufficiently served as per section 90 of the *Act*.

Preliminary Issue(s)

At the outset, the applications filed by both parties were clarified. Both tenants confirmed at the outset, that they were in the process of vacating the rental unit as of the date this hearing. Both tenants stated that they would be out by the end of September 9, 2019. As such, discussions with all parties resulted in the landlord being granted an order of possession for September 10, 2019. As the tenancy is at an end the remaining issues for both parties were identified regarding monetary claims. Both parties also confirmed that the landlord's request to call forward an additional file made by the landlord regarding an order of possession and a monetary request for unpaid rent was accepted by the tenants. The landlord cancelled his monetary claim for \$2,500.00, but would still proceed for his monetary request for unpaid rent and the filing fee totalling, \$1,100.00. The tenants have also cancelled part of their monetary claim as insufficient details were provided. All parties confirmed their understanding of the tenants' monetary claim to proceed for \$1,310.00. The hearing shall proceed on this basis.

After 56 minutes of discussions, the monetary claims for both parties were adjourned due to a lack of time. I note that extensive time was spent clarifying the details of both monetary claims filed.

The hearing was adjourned. Both parties were cautioned that no new submissions of evidence were to be made, nor would they be accepted. Both parties confirmed their mailing addresses for delivery of the interim decision and the notice of an adjournment. The tenants clarified their mailing address and as such the Residential Tenancy Branch Files shall be amended to reflect the tenants' General Delivery Address.

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: September 10, 2019

Residential Tenancy Branch