



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes OPR, MNR-S, MNDC-S, FF, CNR, OLC, LRE, MNRT

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 unpaid rent pursuant to section 55;
- a monetary order for unpaid rent and 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 tenants' security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenants applied for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- a monetary order for the cost of emergency repairs to the rental unit pursuant to section 33;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- authorization to recover their filing fee for this application from the landlord pursuant to section 72.

The landlord and the tenants', C.P. and G.S. attended the hearing via conference call and provided affirmed testimony. All parties confirmed that the tenants additionally named two tenants, L.M. and N.P. were added in error by the tenants as they are not tenants, but the children of C.P. and G.S. who are occupants. As such, all parties agreed to remove their names from the application for dispute filed by the tenants.

Extensive discussions with both parties resulted in the hearing being adjourned due to lack of time. Discussions with both parties confirmed that the tenancy ended when the tenants vacated the rental unit on January 31, 2020. As such, the requests by both parties regarding possession (OPR and CNR) were cancelled by each party.

The tenants also acknowledged that the requests for the landlord to comply (OLC) and to control the landlord's right to enter the rental unit (LRE) were no longer required as the tenancy had ended. As such, the tenants confirmed that these portion

As such, the hearing shall proceed with the landlord's monetary claims (MNR-S, MNDC-S, FF) for \$14,489.53 and the tenant's monetary claims (MNDC, MNR, FF) of \$5,029.25.

Both parties confirmed that during the adjournment period, the tenants would attempt to pick up the missing 5th evidence package from the rental unit mailbox. Both parties also agreed that the landlord would provide a copy via email to the tenants during the adjournment.

The landlord was cautioned that due to her English as a second language, the landlord was advised that a translator was recommended to assist her in the hearing.

Both parties were advised that attached with this interim decision would be a notice of an adjournment detailing the next date and time for the continuation. Both parties were also advised that no new evidence was to be submitted, nor would it be accepted.

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: March 3, 2020

Residential Tenancy Branch