



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFT OLC

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to call witnesses, and to make submissions.

At the outset of the hearing, I confirmed the remedies that the tenants were seeking as part of this application. The tenants confirmed in the hearing that they have not yet moved out of the rental unit. The tenants wanted a determination about the landlord's request for liquidated damages from the tenants. The landlord confirmed in the hearing that at the time of the hearing the landlord had yet to file any applications for any monetary orders or for dispute resolution.

As this tenancy has not yet ended, and as I find that the landlord had yet to file an application for any monetary orders, I find the tenants' application to be premature. Accordingly, the tenants' application for the landlord to comply with the *Act* was dismissed with leave to reapply.

The filing fee is a discretionary award issued by an Arbitrator usually after a hearing is held and the applicant is successful on the merits of the application. As I was not required to make a decision on the merits of this case, I find that the tenants are not entitled to recover the \$100.00 filing fee paid for this application. The tenants must bear the cost of this filing fee.

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: July 20, 2020

Residential Tenancy Branch