



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      CNR, OPR, OPC, MNR, FF

### Introduction

This hearing dealt with an application by the tenants for an order setting aside a notice to end this tenancy and a cross-application by the landlord for an order of possession and a monetary order. Despite having been personally served with the application for dispute resolution and notice of hearing, the tenants did not participate in the conference call hearing.

As the tenants did not participate in the hearing to advance their claim, their application is dismissed without leave to reapply.

At the outset of the hearing the landlord advised that the tenants vacated the rental unit on November 4. As an order of possession is no longer required I consider that claim to have been withdrawn.

One day before the hearing the landlord submitted documents and sought to amend her claim to include the cost of repairs. The landlord did not serve these documents on the tenants. As the tenants were not served with notice of the amended claim or with the supporting documentation, I decline to permit the amendment. The landlord advised that in her original application which was served to the tenants, she mistakenly wrote that \$500.00 was owing for October rather than \$550.00 and asked to amend her application to include an additional \$50.00. Upon reviewing the notice to end tenancy which was also served on the tenants, I see that on that notice the landlord indicated that \$500.00 was still owing for October. I am not satisfied that the tenants should have

known that \$550.00 was owing for October and I find that to permit the amendment would prejudice the tenants. Accordingly I decline to permit the amendment.

Issues(s) to be Decided

Is the landlord entitled to a monetary order for unpaid rent for October?

Background and Evidence

The landlord testified that the tenants failed to pay \$550.00 of the rent owing for October.

Analysis

I accept the landlord's undisputed testimony and find that the tenants failed to pay all of their rent in October. However, for the reasons given above, I find that the landlord is limited to claiming \$500.00. I grant the landlord an award for \$550.00 which represents unpaid rent and the \$50.00 filing fee paid to bring this application.

Conclusion

I grant the landlord a monetary order under section 67 for \$550.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

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 02, 2009.

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