



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes ET

Introduction

This hearing was scheduled in response to the landlords' application for Dispute Resolution, in which the landlord has applied for an Order of Possession on an Early End to Tenancy. At the outset of the hearing the landlord and tenant both stated that the tenants have vacated the rental property. Therefore no hearing was held to determine if an Early End to Tenancy is required and the landlords application is dismissed.

The landlord did however ask me to document the following items discussed at the hearing in which the tenant became abusive towards the landlord and left the conference call.

- The landlords states the tenant's vacated the rental unit on November 18, 2010
- The tenant attending states they vacated the rental unit on November 17, 2010.
- The tenant stated she only returned one key to the unit and the other key was dropped down the toilet.

The landlords state they have another hearing scheduled to deal with their monetary claim and request that I deal with this at this hearing. As the landlords have not filed an application for this hearing to deal with a monetary claim, or amended their application, I decline their request to deal with it at this hearing as it does not form part of this application. The landlords also request the return of their filing fee. I decline this request also as they have not applied on their application to recover this from the tenants.

Section 2.5 of the Residential Tenancy Branch Rules of Procedure deals with amending an Application before the dispute resolution proceeding commences and states:



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The applicant may amend the application without consent if the dispute resolution proceeding has not yet commenced. If applications have not been served on any respondents, the applicant must submit an amended copy to the Residential Tenancy Branch and serve the amended application.

If the application has been served, and all requirements can be met to serve each respondent with an amended copy at least seven (7) days before the dispute resolution proceeding, the applicant may be permitted to file a revised application with the Residential Tenancy Branch. A copy of the revised application must be served on each respondent at least five (5) days before the scheduled date for dispute resolution proceeding.

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: November 22, 2010.

Dispute Resolution Officer