



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for an order of possession for unpaid rent pursuant to section 55.

The tenant did not attend this hearing, although I waited until 1109 in order to enable the tenant to connect with this teleconference hearing scheduled for 1100. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Withdrawal of OPR

The landlord informed me at the hearing that the tenant had vacated the rental unit. The landlord told me that she no longer required an order of possession. As the issue is moot, I allowed the landlord to withdraw her application for an order of possession.

Service of Application Amendments

The landlord filed her original application on 12 February 2015. The landlord asked to amend her application on 9 March 2015 to include the following claims:

- a monetary order for unpaid rent pursuant to section 67;
- an order to collect a damage deposit from the tenant;
- a monetary order for unpaid utilities; and
- authorization to recover her filing fee for this application from the tenant pursuant to section 72.

The landlord told me that she did not provide this amended application to the tenant.

Paragraph 64(3)(c) allows me to amend an application for dispute resolution. I am unable to grant the landlord's application to amend her application as it would unduly

prejudice the tenant to allow this late amendment. The tenant would have not known from the landlord's original application that the new claims were at issue. Although I am denying the landlord's request to amend, (as I mentioned at the hearing) the landlord is able to file another application for these claims should she decide that it is in her best interests to do so.

Conclusion

The landlord's application is withdrawn.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the Act.

Dated: March 16, 2015

Residential Tenancy Branch

