



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC, AAT, FF

Introduction and Preliminary Matters

This hearing dealt with the tenants' application for dispute resolution under the Residential Tenancy Act ("Act"). The tenants applied for order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice") and a 1 Month Notice to End Tenancy for Cause ("1 Month Notice") and an order requiring the landlord to allow access to the rental unit.

The tenant and the landlord's agent attended and at the outset of the hearing, the tenant confirmed that they have now vacated the rental unit. Additionally, the tenant filed an amended application on or about November 26, 2015, which she stated she served on the landlord's agent on November 30, 2015. The amended application requested to add the attending landlord's agent here as a respondent and to seek a return of their security deposit.

Analysis and Conclusion

As a result of the tenancy having ended prior to the hearing, I dismiss the tenants' application seeking cancellation of the 10 Day Notice and the 1 Month Notice and the ancillary request for an order requiring the landlord to allow access to the rental unit, as these are matters related to an ongoing tenancy.

Further I decline to accept the tenants' amended application, as the amended portion seeking a return of the security deposit was unrelated to the primary issues contained in the original application and as the tenants failed to serve their amended application on the respondents at least 14 days prior to the hearing on December 10, 2015, as required by section 2.11 of the Dispute Resolution Rules of Procedure ("Rules"). The tenants are at liberty to reapply for those claims.

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 10, 2015

Residential Tenancy Branch

