



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding OTBEC Property Management Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, OPC, OPB, MND, MNR, MNDC, MNSD, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. A Monetary Order for compensation - Section 67;
4. A Monetary Order for damages to the unit - Section 67;
5. An Order to retain the security deposit - Section 38; and
6. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant both appeared. At the onset of the hearing preliminary matters were addressed with the Parties.

Issue(s) to be Decided

Is the original application still valid?

Has the Landlord properly made an amended application?

Background and Evidence

Details provided in the original application indicate that the Landlord was only seeking unpaid rent for the monetary amount being claimed. No particulars were set out in relation to any damage claim. The evidence package submitted to the RTB on April 5, 2016 contains apparent damage claims in relation to a different rental unit, albeit with the same Tenant. The Landlord amended the original application on April 29, 2016 and submits in the amended application that the Tenant has paid the rents owed. The amended application details a monetary claim for damage to the unit. The Landlord confirms that the Tenant has moved out of the unit and an order of possession is no longer required. The Tenant is confused about the Landlord's claims.

Analysis

Rule 2.3 Residential Tenancy Branch Rules of Procedure (the "Rules") provides that claims made in an application must be related to each other and that unrelated claims may be dismissed with leave to reapply. Rule 4.6 of the Rules provides that an amended application must be received by the respondent not less than 14 days before the hearing. As the Landlord no longer requires an order of possession or compensation for unpaid rent I dismiss the original application. As the Landlord made its amended application only 5 days ago and as the claim for damages to the unit is not related to the original claims for unpaid rent or an order of possession, I dismiss the amended application with leave to reapply.

If the Landlord's intention with either application was to claim concurrent damages in relation to two different rental units and if there are two separate tenancy agreements for the two different rental units, I direct the Landlord to consider section 58 of the Act that provides, inter alia, that a person may make an application in respect of a tenancy agreement.

Conclusion

The original application is dismissed. The amended application is dismissed with leave to reapply.

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: May 04, 2016

Residential Tenancy Branch