



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, O, MNDC

Introduction

This is an amended application brought by the tenant(s) requesting a monetary order in the amount of \$4000.00

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

All parties were affirmed.

Issue(s) to be Decided

The first issue I dealt with was the service of the notice of hearing and the Amended Application for Dispute Resolution.

Background and Evidence

The applicants originally filed for dispute resolution on August 18, 2016 and, on the copy of the application which was served on the respondents, only one box had been

checked off, and that was a request to cancel a Notice to End Tenancy for landlord use of the rental property.

The applicants served the respondents with the notice of hearing and the original application for dispute resolution, by registered mail that was mailed on August 20, 2016.

The applicants subsequently filed an amendment to the application, on September 6, 2016, adding a request for a \$4000.00 monetary order.

The applicants testified however that they did not serve copies of the amended application on the respondents, and the respondents confirmed that they had never received the amended application.

The applicants stated that they did not believe they had to serve the amended application on the respondents.

Analysis

Section 4.6 of the Residential Tenancy Branch Rules of Procedure states:

4.6 Serving an Amendment to an Application for Dispute Resolution

As soon as possible, copies of the Amendment to an Application for Dispute Resolution and supporting evidence must be produced and served upon each respondent by the applicant in a manner required by the applicable Act and these Rules of Procedure.

The applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the Amendment to an Application for Dispute Resolution and supporting evidence as required by the Act and these Rules of Procedure.

In any event, a copy of the amended application and supporting evidence must be received by the respondent(s) not less than 14 days before the hearing.

In this case, as stated above, the applicants have failed to serve the amended application for dispute resolution on the respondent, and I therefore am unwilling to proceed with the hearing.

If the applicants still wish to pursue a monetary claim against the respondents they will have to file a new application, and properly served the respondents with the application for dispute resolution and the notice of hearing.

Conclusion

This application is dismissed in full, 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: October 13, 2016

Residential Tenancy Branch

