



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, RP, O, FF (Tenant's Application filed September 16, 2016)
 OPC (Landlord's Application filed September 20, 2016)
 MNDC (Landlord's Amendment to an Application for Dispute
 Resolution filed November 1, 2016)

Introduction and Conclusion

This hearing convened as a result of cross applications as noted above.

The Landlord and the Tenant, N.D., appeared at the hearing. The Tenant, L.N., did not appear; N.D. advised that L.N. was his spouse and that he and L.N. recently separated and that they were no longer in contact.

At the outset of the hearing, the Landlord confirmed the Tenants had vacated the rental property only days before the hearing. He stated that L.N. told him she would remain in the rental unit until the hearing date, such that he believed she was aware of the hearing date. The Tenant, N.D., confirmed that all of their possessions had been moved out and that they had given up possession of the rental property.

Accordingly, the Tenants' request to cancel the Notice to End Tenancy for Cause and for an Order that the Landlord make repairs, as well as the Landlord's request for an Order of Possession were no longer required the tenancy had already ended. Those requests are hereby dismissed.

The Landlord filed an amendment on November 1, 2016 seeking monetary compensation in the amount of \$11,200.00. On the application the Landlord indicated his monetary claim had *changed*; however, on the Landlord's initial application no such monetary relief was claimed, such that there was no claim to be changed in the strictest sense. In support of the amendment, the Landlord filed 96 pages of documents relating to the monetary claim.

The Tenant, N.D., denied receiving the amendment or supporting evidence from the Landlord. As such, the Tenants failed to submit any evidence in reply to the Landlord's substantial monetary claim.

As I was unable to find that the Tenants had been served with the Landlord's Amended Application and supporting evidence for his monetary claim, I dismiss his monetary claim with leave to reapply.

I similarly dismiss the Tenants' claim for recovery of the filing fee.

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 14, 2016

Residential Tenancy Branch