



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      FF, MND, MNDC, MNSD

### **Introduction**

This is an application for dispute resolution in which the applicant had filed a monetary claim against the respondent in the amount of \$2432.02; however on May 31, 2017 the applicant filed an amendment of that claim increasing the amount to \$3232.02.

### **Decision reasons**

The Residential Tenancy Rules of Procedure state the following with regards to amendments:

#### **4.3 Time limits for amending an application**

Amended applications and supporting evidence should be submitted to the Residential Tenancy Branch directly or through a Service BC office as soon as possible and in any event early enough to allow the applicant to comply with Rule 4.6.

Rule 4.6 of the residential tenancy 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 section 89 of the *Residential Tenancy Act* or section 82 of the *Manufactured Home Park Tenancy 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 should be served on the respondents as soon as possible and must be received by the respondent(s) **not less than 14 days before the hearing. (my emphasis)**

In calculating the time for service of the documents, the interpretation act states:

### **Calculation of time or age**

- 25** (1) This section applies to an enactment and to a deed, conveyance or other legal instrument unless specifically provided otherwise in the deed, conveyance or other legal instrument.
- (2) If the time for doing an act falls or expires on a holiday, the time is extended to the next day that is not a holiday.
- (3) If the time for doing an act in a business office falls or expires on a day when the office is not open during regular business hours, the time is extended to the next day that the office is open.
- (4) In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "**not less than**" a number of days, weeks, months or years, **the first and last days must be excluded.**

It is my finding, therefore, that the amended application was not filed within the time frame required to meet the service requirements. I therefore gave the applicants the

option of proceeding with the hearing based on the original application, or having their application dismissed with leave to reapply.

The applicants chose to have the application dismissed with leave to reapply, as they wish to file for the full amount claimed on the amendment.

### Conclusion

Pursuant to section 62 of the Residential Tenancy Act, this application has been 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: June 15, 2017

---

Residential Tenancy Branch