



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FFT OLC

### Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. The tenants were represented by their agent JM (the "tenant").

At the outset of the hearing the parties testified that this tenancy has ended and the tenants withdrew their application for the landlord to comply with the *Act*, regulation or tenancy agreement. The tenant expressed a desire to seek a monetary award against the landlord for their past violations. However, the tenant was advised that the present application did not contain an application for a monetary award and it would be contrary to the principles of procedural fairness to add a new head of claim at a hearing. The tenant was instructed that they are at liberty to apply for a separate application seeking a monetary award.

### Conclusion

The tenants' application is withdrawn and dismissed without leave to reapply.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: February 22, 2019

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Residential Tenancy Branch