



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RANCHO MANAGEMENT SERVICES (B.C.)
LTD. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ERP, FFT

Introduction

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

- an Order for emergency repairs, pursuant to section 33; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72.

The owner of the subject rental property, the property manager and the tenants attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

Both parties agree that the landlord was served with the tenants' application for dispute resolution via registered mail. I find that the landlord was served with the tenants' application pursuant to section 89 of the *Act*.

Preliminary Issue- Amendment

The tenants submitted that they wished to make a monetary claim against the landlord regarding how the tenancy ended.

Section 4.2 of the Rules states that in circumstances that can reasonably be anticipated, such as when the amount of rent owing has increased since the time the Application for Dispute Resolution was made, the application may be amended at the hearing. If an amendment to an application is sought at a hearing, an Amendment to an Application for Dispute Resolution need not be submitted or served.

I find that the tenants' monetary claim could not reasonably have been anticipated by the landlord. I also find that allowing the amendment would not provide the landlord with a fulsome opportunity to respond to the tenants' claim. Therefore, pursuant to section 4.2 of the Rules and section 64 of the *Act*, I decline to amend the tenants' application.

Issues to be Decided

1. Are the tenants entitled to an Order for emergency repairs, pursuant to section 33 of the *Act*?
2. Are the tenants entitled to recover the filing fee for this application from the landlord, pursuant to section 72 of the *Act*?

Background and Evidence

Both parties agreed that the tenants moved out of the subject rental property by July 1, 2019.

Analysis

As the tenants no longer live at the subject rental property, I find that they are not eligible to receive an Order for emergency repairs. I therefore dismiss the tenants' application without leave to reapply.

As the tenants were not successful in their application, I find that they are not entitled to recover the \$100.00 filing fee from the landlord, pursuant to section 72 of the *Act*.

Conclusion

The tenants' application is 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: July 08, 2019

Residential Tenancy Branch