



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, OLC  
                              CNR, MT, OLC, PSF

### Introduction

This teleconference hearing was scheduled in response to applications by the Tenants under the *Residential Tenancy Act* (the “Act”). On September 6, 2019 the Tenants applied to dispute a One Month Notice to End Tenancy for Cause (the “One Month Notice”), and for an Order for the Landlord to comply with the *Act*, *Residential Tenancy Regulation* and/or tenancy agreement. On September 27, 2019 the Tenants applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”), for an extension of time to dispute the 10 Day Notice, for an Order for the Landlord to comply, and for services or facilities to be provided as required by the tenancy agreement or law.

Both Tenants were present for the hearing while no one called in for the Landlord. The Tenants were affirmed to be truthful in their testimony and stated that they served the Landlord in person with the Notice of Dispute Resolution Proceeding package regarding each application on September 17, 2019 and October 1, 2019. They stated that their evidence was placed on the Landlord’s doorstep as there was no mailbox. I accept the testimony of the Tenants and find that the Landlord was served as required. The Landlord did not submit any evidence prior to the hearing.

### Issues to be Decided

Should the One Month Notice be cancelled?

If the One Month Notice is upheld, is the Landlord entitled to an Order of Possession?

Should the Tenants be granted an extension of time to dispute the 10 Day Notice?

Should the 10 Day Notice be cancelled?

If the 10 Day Notice is upheld, is the Landlord entitled to an Order of Possession?

Should the Landlord be ordered to comply with the *Act, Regulation* and/or tenancy agreement?

Should the Landlord be ordered to provide services or facilities as required by the tenancy agreement or law?

### Background and Evidence

The Tenants provided testimony that they moved out of the rental unit on September 30, 2019. They stated that the Landlord had threatened them with the police and bailiffs and that due to the stress they moved out.

Although the tenancy has ended, the Tenants stated that there are additional claims they wished to pursue at the hearing related to multiple concerns regarding the tenancy. They stated that the issues are shown through their evidence submissions.

### Analysis

I accept the testimony of the Tenants that the tenancy ended on September 30, 2019. As the Tenants moved out, I find that the claims on both applications are no longer relevant. Therefore, I dismiss both applications without leave to reapply.

Although the Tenants brought forth additional issues they wanted resolved through the hearing, as stated by rule 6.2 of the *Residential Tenancy Branch Rules of Procedure*, the hearing is limited to the claims on the application. As stated, I do not find that any of the claims applied for are relevant given that the tenancy has ended.

As per the *Rules of Procedure*, I do not find that I am able to make a decision regarding any additional claims that were not applied for or that the applications were not amended to include. I do not find that submission of evidence in relation to additional claims is sufficient to amend the application. In addition, I note that the other party has a right to know the claims against them as stated on the application and to have an opportunity to provide testimony and evidence in response.

Both parties are at liberty to file a new Application for Dispute Resolution should there be any outstanding claims regarding this tenancy.

Conclusion

The tenancy ended on September 30, 2019 and therefore the claims on both applications are no longer relevant. The applications are 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: November 15, 2019

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Residential Tenancy Branch