



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M, MNDCT, OLC, FFT

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act") for an Order cancelling a 4-Month Notice to End the Tenancy for Renovations dated November 27, 2019 ("4-Month Notice"), a monetary order for damage or compensation under the Act, an Order for the Landlord to Comply with the Act or tenancy agreement, and to recover the \$100.00 cost of their Application filing fee.

The Tenants and the Landlord appeared at the teleconference hearing and gave affirmed testimony. I explained the hearing process to the Parties and gave them an opportunity to ask questions about the hearing process. During the hearing, the Tenants and the Landlord were given the opportunity to provide their evidence orally and to respond to the testimony of the other Party. I reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch ("RTB") Rules of Procedure; however, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Neither Party raised any concerns regarding the service of the Application for Dispute Resolution or the documentary evidence.

Preliminary and Procedural Matters

The Parties provided their email addresses at the outset of the hearing and confirmed their understanding that the Decision would be emailed to both Parties and any Orders sent to the appropriate Party.

Early in the hearing, the Tenants said that they had moved out of the rental unit on January 1, 2020. They said they provided the Landlord with their written forwarding address at the same time that they served their documentation for this hearing on the Landlord, which they said was between the 15th and 20th of December 2019.

The Tenants said their only remaining claim is for the Landlord to compensate them for the cost of having to move, because they say it was his actions that led them to incur this expense. The Tenants acknowledged that they had not provided the Landlord with any notice or documentation of this claim; therefore, I find that it would be administratively unfair to proceed with the hearing, given the prejudice to the Landlord in this regard.

Accordingly, I dismissed the Tenants' Application with leave to reapply for a monetary claim under section 67 of the Act. The Tenants' Application to cancel the 4-Month Notice and for an Order for the Landlord to Comply with the Act or tenancy agreement are dismissed without leave to reapply.

Given my dismissal of the Tenants' claims in this Application, I decline to award them with recovery of the \$100.00 Application filing fee.

Conclusion

The Tenants moved out of the rental unit; therefore, their claims to cancel the 4-Month Notice and for an Order for the Landlord to Comply with the Act or tenancy agreement are no longer relevant. I dismiss these claims without leave to reapply.

The Tenants amended their monetary claim without notice to the Landlord, which I find to be administratively unfair to him; therefore, the Tenants' monetary claim is dismissed with leave to reapply. Given the Tenants' lack of success in this Application, I decline to award them recovery of the \$100.00 Application filing fee.

This Decision is final and binding on the Parties, unless otherwise provided under the Act, and 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: January 27, 2020

Residential Tenancy Branch