



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

FFT LRE RP

Introduction

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

- an order to the landlord to make repairs to the rental unit pursuant to section 32;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The landlord did not attend this hearing, although I left the teleconference hearing connection open until 11:11 am in order to enable the landlord to call into this teleconference hearing scheduled for 11:00 am. The tenant attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the tenant and I were the only ones who had called into this teleconference.

Preliminary Issue – Amendment of Applicant

At the outset of the hearing, the tenant stated that he no longer required the relief he applied for. Instead, he stated that he hoped to obtain a monetary order compensating him for damage he alleged that he suffered as the result of repairs not being made in a timely fashion.

The tenant testified that he included this request in a letter, which he (unsuccessfully) attempted to serve on the landlord. He did not make an amendment to his application to seek a monetary order.

At the hearing, I advised the tenant that if he wanted the issue of whether he was entitled to a monetary order to be dealt with at this hearing, he would have needed to amend his claim prior to hearing pursuant to Rule of Procedure 4.

I declined to amend the application at the hearing to include a monetary claim, as the landlord was not in attendance, and could not have reasonably anticipated that the amendment would be sought.

As such, and as the tenant no longer requires the relief he has applied for, I dismiss the tenant's application without leave to reapply.

I make no findings as to the merits of the tenant's claim for a monetary order.

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: January 27, 2020

Residential Tenancy Branch