



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, OLC, FFT

### Introduction

On July 12, 2020, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) requesting the cancellation of a Two Month Notice to End Tenancy for Landlord’s Use of Property, an order for the Landlord to comply with the Act, and to recover the cost of the filing fee. The matter was set for a participatory hearing via conference call.

The Tenant attended the conference call hearing; however, the Landlords did not attend at any time during the 27-minute hearing. The Tenant testified that she served the Landlords with the Notice of Dispute Resolution Proceeding by sending it via registered mail on July 16, 2020. I find that the Landlords have been duly served with the Notice of Dispute Resolution Proceeding in accordance with Section 89 the Act.

Rule 7.3 of the *Residential Tenancy Rules of Procedure* states if a party or their agent fails to attend a hearing, the Arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the Application, with or without leave to re-apply.

As the Landlords did not call into the conference, the hearing was conducted in their absence and the Application was considered along with the affirmed testimony and evidence as presented by the Tenant.

### Preliminary Matter

The Tenant testified that she has moved out of the rental unit and confirmed that she no longer needed to dispute the Notice to End Tenancy or to request an order for the Landlord to comply with the Act.

While addressing these preliminary matters, the Tenant requested to amend her Application for Dispute Resolution to make a claim for monetary compensation from the Landlord for the return of one month’s rent and her security deposit.

I decline to amend the Tenant's application as I find that by doing so would not ensure a fair opportunity for the Respondents to be heard, review the issues and submit evidence. As a result, I dismiss the Tenant's Application for Dispute Resolution without leave to reapply.

### Conclusion

I dismiss the Tenant's Application for Dispute Resolution without leave to reapply as the Tenant has moved out of the rental unit.

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: August 17, 2020

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Residential Tenancy Branch