



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Victoria Royal Vacations
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes LRE OLC FFT

Introduction

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

- authorization to change the locks to the rental unit pursuant to section 70;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee from the landlord pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The corporate landlord was represented by its agent.

The parties each testified that they were in receipt of all relevant materials and based on their testimonies I find the landlord duly served in accordance with sections 88 and 89 of the Act.

At the outset of the hearing the parties said the tenancy has ended and the tenant has vacated the rental unit. As the tenant's application pertained to relief for an ongoing tenancy the application was withdrawn in its entirety.

While the tenant mentioned that they are also seeking a monetary award as part of their claim for the landlord to comply with the Act, regulation or tenancy agreement, I find that this is more in the nature of a separate head of claim. Making reference to a monetary claim in evidentiary materials or written submissions is not an acceptable way of making a claim pursuant to Residential Tenancy Rule of Procedure 2.2. As adding a new head of claim that is not properly noted in the application would be prejudicial to the respondent and contrary to the principles of natural justice and procedural fairness,

pursuant to Rule 4.2 I decline to amend the tenant's application to add a monetary claim. The tenant is at liberty to file a separate claim for a monetary award.

Conclusion

The tenant's present application is withdrawn and dismissed in its entirety without leave to reapply.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: March 2, 2021

Residential Tenancy Branch