



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, MNDCT, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants, to cancel a Two Month Notice for Landlord's Use of Property (the "Notice") issued on November 27, 2020, and to recover the cost of the filing fee.

On February 1, 2021, the tenants filed an amendment to their application to included monetary compensation pursuant to section 49 and 51 of the Act.

Both parties appeared.

At the outset of the hearing, it was determined that the tenants had accepted the Notice and vacated the premises on the effective date of the Notice. Therefore, I do not need to consider the tenants request to cancel the Notice.

Counsel for the landlords submit that they did not receive a copy of the amended application. The tenants stated that it was sent by email to the landlords because they did not have a mailing address for the landlords.

I am not satisfied that the landlords were served in accordance with the Act. The tenants were not entitled to serve an amended application by email, and they did not have an order of substituted serve. Therefore, I decline to hear the amended application at this hearing. The tenant's amended application is dismissed with leave to reapply.

As there were no issues for me to consider at this hearing, I decline to award the cost of the filing fee to the tenants.

Counsel for the landlords confirmed that their office is the place for service for future documents. At the hearing legal counsel gave the mailing address their office and their physical address for personal service. I have noted this information on the covering page of this decision.

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 05, 2021

Residential Tenancy Branch