



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, FFT

Introduction

This hearing was scheduled to deal with a tenant's application for orders for the landlord to comply with the Act, regulations, or tenancy agreement.

Both the landlord and the tenant appeared for the hearing. The parties were affirmed and the parties were ordered to not record the proceeding.

At the outset of the hearing, the tenant testified that she served the landlord with notification of this proceeding by email. The landlord confirmed receipt of the email although she stated she preferred to be served with paper copies of the hearing materials. In any event, the landlord stated she understood the nature of the dispute but she thought the dispute had been resolved.

The tenant responded that the issue identified in the Application for Dispute Resolution had been resolved as this hearing is taking place after she already moved out of the rental unit. The landlord confirmed the tenant has since moved out of the rental unit.

In light of the above, I find the application before me to be moot at this point in time and it is dismissed without leave to reapply.

The tenant stated that she wants to amend her Application for Dispute Resolution to include a claim for loss of quiet enjoyment. The tenant acknowledged that she had not submitted or served the landlord with an amendment. The landlord confirmed she had no knowledge this hearing would be pertaining to a claim for loss of quiet enjoyment.

In keeping with the principles of natural justice, a respondent is entitled to be put on notice as to the claims being made against them with sufficient notice so as to prepare a response or defence.

Given the lack of notification of a new claim being made by way of an amendment of the existing Application for Dispute Resolution, I do not permit this Application for Dispute Resolution to be amended. Rather, the tenant was informed she may make a claim for loss of quiet enjoyment by making another Application for Dispute Resolution.

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: July 13, 2021

Residential Tenancy Branch