



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFT

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on April 22, 2021 (the "Application"). The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property (the "Two Month Notice") dated April 8, 2021; and
- an order granting the return of the filing fee.

The Tenant H.V, the Tenants' Advocate K.C., the Landlord, and the Landlord's Counsel A.S. attended the hearing at the appointed date and time. At the start of the hearing, the parties testified and agreed that the tenancy ended on or about June 30, 2021. As such, the Tenant's Application is now moot, and therefore dismissed without leave to reapply.

The Tenants' Advocate requested that the Tenants' Application be amended to include a monetary claim for compensation under Section 51 of the *Act*.

According to the Residential Tenancy Rules of Procedure 4.1 Amending an Application for Dispute Resolution

An applicant may amend a claim by:

- completing an Amendment to an Application for Dispute Resolution form; and
- filing the completed Amendment to an Application for Dispute Resolution form and supporting evidence with the Residential Tenancy Branch directly or through a Service BC Office.

An amendment may add to, alter or remove claims made in the original application.

As stated in Rule 2.3 [*Related issues*], unrelated claims contained in an application may be dismissed with or without leave to reapply.

See also Rule 3 [*Serving the application and submitting and exchanging evidence*].

Amendments to applications for expedited hearings may only be made at the hearing. See Rule 10.7 [*Amending an application for an expedited hearing*].

4.2 Amending an application at the hearing

In circumstances that can reasonably be anticipated, such as when the amount of rent owing has increased since the time the Application for Dispute Resolution was made, the application may be amended at the hearing.

4.6 Serving an Amendment to an Application for Dispute Resolution

As soon as possible, copies of the Amendment to an Application for Dispute Resolution form and supporting evidence must be produced and served upon each respondent by the applicant in a manner required by section 89 of the *Residential Tenancy Act*.

The applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the Amendment to an Application for Dispute Resolution form and supporting evidence as required by the Act and these Rules of Procedure.

In any event, a copy of the amended application and supporting evidence should be served on the respondents as soon as possible and must be received by the respondent(s) not less than 14 days before the hearing.

I find that the Tenant was at liberty to submit a formal amendment to their Application within the appropriate timelines outline in the Rules of Procedure. I find that the Tenant's request to amend their Application during the hearing to include a monetary claim could not have been reasonably anticipated by the Respondent. I find to allow the amendment would prejudice the other party or result in a breach of the principles of natural justice. As such, the Tenant's request to amend their Application at the time of the hearing was denied.

The Tenant is at liberty to submit a new application for dispute resolution seeking monetary compensation if they feel entitled to any.

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 27, 2021

Residential Tenancy Branch