



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **PSF, LRE, CNL**

Introduction

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

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the "2 Month Notice") pursuant to section 49;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70; and
- an order to the landlord to provide services or facilities required by law pursuant to section 65.

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 tenant AJ appeared, representing all named applicants, assisted by a family member.

At the outset of the hearing the parties said this tenancy has ended with the tenants vacating the rental unit and the application was withdrawn in its entirety.

The tenant requested to pursue a monetary award against the landlord. As noted in Residential Tenancy Rule of Procedure 2.2 a claim is limited to what is stated in the application. As it would be contrary to the principles of procedural fairness to allow an applicant to add a new claim at a hearing which has not been served on the respondent pursuant to Rule 4.6 I decline to add a new monetary claim. The tenants are at liberty to file a new application seeking a monetary award.

The tenant spent the balance of the hearing asking questions about the process of filing an application, complaining about the information available on the Branch website and arguing that they should be granted a monetary award on the basis of their present application. The tenant was advised that a dispute resolution hearing was an inappropriate forum to ask procedural questions or their chances of success in future applications and the hearing was ended.

Conclusion

The tenants' application is withdrawn in its entirety and dismissed without leave to reapply.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: January 20, 2022

Residential Tenancy Branch