



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      LRE, CNL-4M, LAT, OLC, FFT

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenant on January 14, 2022 (the “Application”). The Tenant applied as follows:

- To suspend or set conditions on the Landlord's right to enter the rental unit
- To dispute a Four Month Notice to End Tenancy for Demolition, Renovation, or Conversion to Another Use
- For authorization to change the locks to the rental unit
- For an order that the Landlord comply with the Act, regulation and/or the tenancy agreement
- To recover the filing fee

The Tenant appeared at the hearing with the Co-tenant. H.L. appeared at the hearing for the Landlord.

The parties agreed the Tenant moved out of the rental unit prior to the hearing date. I asked the Tenant what they wanted to do with the Application given they have moved out of the rental unit.

The Tenant sought to have this matter heard with the Landlord’s Application for Dispute Resolution (the “Landlord’s Application”) which is set for a hearing in October of 2022. I told the parties I would not bring forward the Landlord’s Application and that they can appear at the hearing in October to deal with the Landlord’s Application.

The Tenant sought to have a review consideration application heard. As explained to the Tenant at the hearing, I cannot hear a review consideration application regarding another file at this hearing. Further, review consideration applications go through an entirely different process and would not be heard by an arbitrator at a hearing unless a review hearing was already granted.

The Tenant sought to amend the Application to include a request for return of the security deposit and further compensation. I did not amend the Application because the Tenant did not file the amendment with the RTB, the Tenant simply uploaded the amendment with the evidence for the file. Rule 4.1 of the Rules of Procedure states:

#### 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.**

(emphasis added)

Given the amendment was not filed as required, I did not consider it. Further, the issue of return of the security deposit will be dealt with on the Landlord's Application because the Landlord has applied to keep it.

In relation to the claims in the Application, I explained to the Tenant that these are only relevant during a tenancy and are no longer relevant given the Tenant has moved out of the rental unit. I also told the Tenant they are not entitled to recover the filing fee because they have not been successful on the Application. The Tenant acknowledged their understanding of what I explained and withdrew the Application. I note that, if the Tenant had not withdrawn the Application, I would have dismissed it without leave to re-apply because the issues raised in it are moot now that the Tenant has moved out of the rental unit.

Conclusion

The Application is withdrawn.

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: April 13, 2022

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Residential Tenancy Branch