



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **PSF, RP, CNL-4M, DRI-ARI-C, LRE, OLC, LAT, FFT**

Introduction

This hearing dealt with an application pursuant to the *Residential Tenancy Act* (the “Act”) for:

- an order to the landlord to provide services or facilities required by law pursuant to section 65;
- an order to the landlord to make repairs to the rental unit pursuant to section 33;
- cancellation of a 4 Month Notice to End Tenancy for Demolition pursuant to section 49;
- a dispute of a rental increase for capital expenditure pursuant to section 43;
- an order to suspend or set conditions on the landlord’s right to enter the rental unit pursuant to section 70;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62;
- authorization to change the locks to the rental unit pursuant to section 70; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

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 parties were made aware of Residential Tenancy Rule of Procedure 6.11 prohibiting recording dispute resolution hearings and the parties each testified that they were not making any recordings.

As both parties were present service was confirmed. The landlord testified that they received the tenants' materials and based on their testimonies I find them duly served in accordance with sections 88 and 89 of the *Act*.

During the hearing the parties agreed that this tenancy has ended with the tenants all having vacated the rental property. The relief sought in the present application pertain to an ongoing tenancy. As this tenancy has ended I dismiss the present application in its entirety without leave to reapply.

The tenants made some general submissions and complaints about the landlord, their conduct and monetary awards they may seek.

Residential Tenancy Rule of Procedure 2.2 states that a claim is limited to what is stated in the application.

Pursuant to section 64(3)(c) of the *Act* and Rule 4.2 I find that it would be contrary to the principles of procedural fairness to allow the tenants to now amend their application and seek a monetary award when the landlord has not been properly served or notified of the intended amendment. The tenants are at liberty to file a separate application if they intend to pursue a monetary award. I will note that the onus remains on the applicant pursuant to Rule 6.6 to establish any claim on a balance of probabilities.

Conclusion

The application is dismissed in its entirety 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: May 10, 2022

Residential Tenancy Branch