



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OLC, FFT

### Introduction

This hearing originally convened on April 6, 2023 and was adjourned due to time constraints. This decision should be read in conjunction with the Interim Decision dated April 12, 2023. This decision dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order directing the landlord to comply with the *Act*, regulation or tenancy agreement, pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlords, pursuant to section 72.

The landlords and tenant GA attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

### Preliminary Issue- Amendment of Claim

The tenants' application for dispute resolution is for an order for the landlords to comply with the *Act*, tenancy agreement or regulation. In the first hearing I asked the tenants what they are seeking. The tenants testified that they are seeking monetary compensation for loss of quiet enjoyment.

The tenants' application for dispute resolution did not seek any monetary damages. In the first hearing I advised the tenants that a monetary claim is not properly before me and that it would be improper for me to hear a monetary claim given that the landlords were not advised of said claim prior to the first hearing. I found that to amend the tenants' application to include a monetary claim would be a breach of the principles of natural justice which include the landlords right to know the claims made against them and have an opportunity to review and respond to those claims.

Preliminary Issue- Claim Moot

In the second hearing both parties agreed that the tenants moved out of the subject rental property on May 16, 2023.

As this tenancy has ended I find that issues raised in the application are moot. I cannot order the landlord to comply with the tenancy agreement of a tenancy that has ended not can I order the landlords to comply with the *Act* or regulation regarding a tenancy that has ended. The tenants' application for dispute resolution is therefore dismissed without leave to reapply.

Conclusion

The tenants' application for dispute resolution is 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: July 18, 2023

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Residential Tenancy Branch