



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL

### Introduction

This hearing was convened as a result of the landlords' Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act). The landlords applied for an order of possession based on an undisputed 2 Month Notice to End Tenancy for Landlord's Use of Property (2 Month Notice).

An agent for the landlord, DA (agent) attended the teleconference hearing. The agent gave affirmed testimony and confirmed that as of March 31, 2021 the tenants vacated the rental unit and as a result, the landlords have obtained possession back of the rental unit. The agent was also provided an opportunity to ask questions during the hearing.

### Preliminary and Procedural Matters

Given the above and considering that the landlord has obtained possession back of the rental unit since filing their application, I find this application is now moot.

The agent confirmed the email addresses for the landlord and the tenants during the hearing. As a result, this decision will be sent to the email addresses for the parties confirmed during the hearing.

The agent requested to amend the application for a monetary claim at the hearing, which I will address in my analysis below.

### Issue to be Decided

Is this application now moot?

### Analysis

Based on the documentary evidence and the testimony provided during the hearing, and on the balance of probabilities, I find the following.

I find this application is now moot as the landlord has possession back of the rental unit as of March 31, 2021, since filing their application on January 27, 2021. Accordingly, this matter is dismissed without leave to reapply.

Although the agent requested to amend the application at the hearing for a monetary claim, I find that this would be prejudicial to the tenants under the Act as the application was not formally amended in accordance with the Rules of Procedure and at least 14 days prior to the hearing and as a result, the tenants would not be aware of a monetary claim. Therefore, I do not grant the agent's request to amend the application at the hearing as I find that it would not be consistent with the principles of natural justice and administrative fairness. The agent is at liberty to apply for a monetary claim under the Act. This decision does not extend any applicable timelines under the Act.

The filing fee is not granted as this application is now moot.

### Conclusion

This application is now moot and is dismissed without leave as a result. The filing fee is not granted as noted above.

The agent is at liberty to apply for a monetary claim. This decision does not extend any application timelines under the Act. This decision will be emailed to both parties as described above.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 23, 2021