



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **RP, PSF, LRE, OLC, FFT**

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on December 19, 2022 (the "Application"). The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order that the Landlord comply with the Act;
- an order restricting the Landlord's right to enter the rental unit;
- an order that the Landlord provide a service or facility;
- an order for regular repairs; and
- an order granting recovery of the filing fee.

The Tenant and the Landlord's Agent F.L. attended the hearing at the appointed date and time. At the start of the hearing, the Tenant confirmed that she has vacated the rental unit as of April 20, 2022 and that she has no intentions on continuing the tenancy. The Tenant stated that she still has some of her personal property in the rental unit, however, due to concerns relating to the Landlord conducting renovations and the possibility of asbestos, the Tenant is hesitant to collect her remaining belongings. The Tenant also requested to amend the Application to include a claim for monetary compensation or to have a new hearing assigned.

Preliminary Matters

I find that since the tenancy has ended, the Tenant's Application is now moot. I therefore dismiss the Tenant's Application in its entirety without leave to reapply.

With respect to the collection of the Tenant's personal possessions, the parties are encouraged to have a discussion to generate a plan for the Tenant to attend the rental unit in order to safely collect their remaining possessions.

The Tenant requested to amend the Application during the hearing. The Rules of Procedure 4.1 states the following:

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 on the Dispute Access site or with the Residential Tenancy Branch directly or through a Service BC Office.

An amendment may add to, alter, or remove claims made in the original application. As stated in Rule 2.3 [Related issues], unrelated claims contained in an application may be dismissed with or without leave to reapply. See also Rule 3 [Serving the application and submitting and exchanging evidence]. Amendments to applications for expedited hearings may only be made at the hearing. See Rule 10.7 [Amending an application for an expedited hearing].

4.2 Amending an application at the hearing

In circumstances that can reasonably be anticipated, such as when the amount of rent owing has increased since the time the Application for Dispute Resolution was made, the application may be amended at the hearing. If an amendment to an application is sought at a hearing, an Amendment to an Application for Dispute Resolution need not be submitted or served.

In this case, I find that the Tenant has not amended their Application to include a claim for monetary compensation. Furthermore, I find that amending the Application at the time of the hearing would prejudice the Landlord as it could not have been reasonably anticipated and the Landlord would not have had an opportunity to respond and submit evidence in response to the monetary claim. As such, the Tenant's request to amend her Application during the hearing was denied. The Tenant is at liberty to reapply for monetary compensation if they feel entitled to any.

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 25, 2023