



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes Tenant: MNDC RR OLC FF
Landlord: OPC FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties. The participatory hearing was held, via teleconference, on April 3, 2023.

The Landlords and the Tenant both attended the hearing. All parties provided affirmed testimony and were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence submitted in accordance with the rules of procedure, and evidence that is relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters – Service

Both parties confirmed that the tenancy is now over, and the Landlord already obtained an order of possession, from a previous hearing. As such, the Landlords withdrew their application for an order of possession for this hearing. I dismiss the Landlord's application, without leave to reapply.

Several service issues were also raised. The Landlord confirmed receipt of the Tenant's initial application, Notice of Dispute Resolution Proceeding and first amendment from January 4, 2023. However, the Tenant stated she did not serve the Landlord with her second amendment, dated January 11, 2023 (to add a claim for monetary

compensation). The Tenant also stated she did not serve her evidence to the Landlord, as she did not know she had to.

As stated in the hearing, the Tenant's request for an order that the Landlord comply with the Act (the only ground on her initial application), is now moot since the tenancy is over. As such, it is dismissed without leave to reapply. With respect to the Tenants attempt to amend the file to add a monetary claim, I find the Tenant failed to serve that amendment to the Landlord, in accordance with the Rules of Procedure. As such, it will not be considered, and the Tenant is granted leave to reapply for any monetary matters set out in this application.

I encourage both parties to try to resolve these matters on their own prior to filing any future applications.

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 4, 2023

Residential Tenancy Branch