



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: MNDC.

Introduction:

This hearing dealt with an application by the tenant. The tenant failed, in his application for dispute resolution, to provide any particulars respecting his application for money owed or compensation for damage or loss under the *Act*. The only detail the tenant provided was that he would provide the details in advance of the hearing.

At the time of the hearing both the tenant and his advocate appeared. The landlord did not appear. The tenant's advocate stated the he personally served the landlord with notice of the tenant's application and this hearing date on July 23, 2008. If I accept this, which I have no reason before me not to, then the landlord also has no details of what the tenant's application is for.

The tenant's advocate clarified that the tenant is seeking the return of double his security deposit plus interest and reimbursement of rent the tenant paid for July 2008 after the landlord allegedly evicted him without notice. This amounts to a monetary claim of \$968.00.

Analysis:

Section 59 of the *Act* states:

Starting proceedings

59 (1) [Repealed 2006-35-83.]

(2) An application for dispute resolution must

- (a) be in the applicable approved form,
- (b) include full particulars of the dispute that is to be the subject of the dispute resolution proceedings, and
- (c) be accompanied by the fee prescribed in the regulations.

(3) Except for an application referred to in subsection (6), a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.

(4) The director may waive or reduce the fee if satisfied that

- (a) the applicant cannot reasonably afford to pay the fee, or
- (b) the circumstances do not warrant the fee being collected.

- (5) The director may refuse to accept an application for dispute resolution if
- (a) in the director's opinion, the application does not disclose a dispute that may be determined under this Part,
 - (b) the applicant owes outstanding fees under this Act to the government, or
 - (c) the application does not comply with subsection (2).
- (6) An individual occupying a room in a residential hotel may make an application for dispute resolution, without notice to any other party, requesting an interim order that this Act applies to that living accommodation.

As noted above, it is my finding that the tenant's application does not comply with section 59(2) of the *Act* and as a result I refuse to accept the tenant's application pursuant to section 59(5)(c) of the *Act*.

Conclusion:

I dismiss the tenant's application with leave to re-apply.

Dated September 29, 2008.