



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

MNR, MND, MNSD, & FF

Introduction

This hearing dealt with an application by the landlord seeking a monetary claim due to damage to the rental unit, unpaid rent and a request to retain the tenants' security deposit plus interest in partial satisfaction of this claim.

Proof of Service of Hearing Documents and Evidence:

The landlord stated that the tenant was served with notice of this application and hearing on person on April 16, 2009 in person. However, the landlord was unable to serve the tenant with any of the evidence in support of the application.

In addition the landlord's included costs which have increased the alleged damages claimed against the tenant. The landlord did not amend the application and none of the particulars for the increased application have been served on the tenant.

Conclusion

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*.

The landlord's application is dismissed with leave to re-apply. Although the tenant was served with the initial application the landlord was unable to serve the tenant with the evidence for this matter or with the ability to amend the application with notice to the tenant. The landlord may file a new application and serve the tenant and the *Residential Tenancy Branch* at a future date.

Dated: July 27, 2009.

Dispute Resolution Officer