



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

MNR, MND, MNDC, MNSD, & FF

Introduction

This hearing dealt with an application by the landlord seeking a monetary claim due to loss or damage resulting from a breach of the tenancy agreement and *Act* by the tenants.

I have concluded that the landlord's application is premature and does not abide by the principals of natural justice and therefore I have dismissed it with leave to re-apply.

The landlord filed an application prematurely while the tenants still had possession of the rental unit. The landlord served the tenants with notice of this application; however, the landlord did not serve the tenants with any evidence or particulars besides vague guess. The landlord acknowledged in the hearing that the original claim was for \$14,000.00 and the actual is around \$10,000.00. As a result the tenants were only notified of the landlord's estimate of the damages and not provided any opportunity to review or respond to the actual particulars of the landlord's application.

Conclusion

Although I initially felt that I could proceed with the application on the basis that the landlord did serve the tenants with notice of this application, I am not satisfied that the landlord has meet the requirements of natural justice in providing the tenants with the real particulars of their claim and the opportunity to respond to that claim. As a result I dismiss the landlord's application with leave to re-apply.

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: August 12, 2009.

Dispute Resolution Officer