

DECISION

Dispute Codes: MND and FF

Introduction

This application was brought by the landlord seeking a Monetary Order for damage to the rental unit and cleaning costs, and recovery of the filing fee for this proceeding.

Issues to be Decided

This application requires a decision on whether the landlord has proven damages, whether those damages were caused by the tenants and whether the amounts claimed are proven and fair compensation for the remediation required.

Background and Evidence

This tenancy began on July 1, 2008 and ended on October 31, 2009. Rent was \$1,600 per month and the landlord holds a security deposit of \$800.

At the commencement of the hearing, the tenant gave evidence that the applicant is not the landlord with whom he and his co-tenant had a rental agreement.

In addition, the applicant was not the landlord when the tenants were issued with a Notice to End Tenancy for landlord use under section 49 of the *Act* and the tenants were not given the one month's free rent to which they may have been entitled under section 51 of the *Act*.

The applicant stated that he was the purchaser of the property from his son and daughter-in-law and took possession when the tenancy ended.

Analysis

Neither party has provided a copy of the Notice to End Tenancy or the Rental Agreement and I am unable to determine for certain that the named applicant has status to bring this application. In addition, the applicant submitted late evidence on March 11, 2010 which the tenant had not received.

Conclusion

Therefore, this application is dismissed with leave to reapply. The parties are advised to consult with a branch Information Officer for advice as to style and cause of action before bringing a further application.

March 15, 2010