



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes:

MND, MNR, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for compensation for damage to the rental unit, unpaid rent, to retain all or part of the security deposit and to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

Preliminary Matters

The female tenant (D.B.) had her legal counsel/spouse present. I confirmed that tenant D.B. was served with Notice of this hearing, absent any evidence.

The landlord provided affirmed testimony that he served tenant L.C. with Notice of this hearing and his 35 page evidence package, to an address that was provided at the start of the tenancy; which differed from the service address for tenant D.B and L.C. contained on the Application. The landlord did not include a separate service address on the Application for tenant L.C.

The details of the dispute section of the landlord's Application indicated that a "separate sheet attached with details" was submitted with the Application. The details of the landlord's monetary claim in the sum of \$3,229.15, was contained in the evidence package the landlord stated he served to tenant L.C. only and a separate sheet was not included with the Application given to tenant D.B. or the Residential Tenancy Branch.

I determined that the errors and omissions made in this Application failed to meet the requirements of section 59(2) of the Act, as it did not include the full particulars of the monetary claim being made. The Application directs an applicant to "include a detailed calculation "of any monetary claim being made; this was absent from the Application. Therefore, pursuant to section 59(5) of the Act, I find that the Application is not accepted as it failed to comply with section 59(2) of the Act.

I also determined that tenant L.C. had not been sufficiently served with Notice of this hearing as the landlord provided no evidence that the address provided at the start of the tenancy was the tenant's forwarding address at the end of the tenancy.



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

Conclusion

Pursuant to section 59(5) of the Act, I declined to accept this Application.

Further, tenant D.B. was not served with the landlord's evidence and service of Notice of this hearing to tenant L.C. was not accepted as having been made.

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: January 17, 2011.

Residential Tenancy Branch