



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      MNDC, FF

### Introduction

This hearing dealt with an application by the tenant for a monetary order. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on November 2, the landlord did not participate in the conference call hearing.

### Issue to be Decided

Is the tenant entitled to a monetary order as claimed?

### Background and Evidence

The tenant resided in the rental unit from approximately August 2009 until November 2010. At the hearing the tenant indicated that he wished to recover \$3,000.00 in compensation for lack of heat in the rental unit and for the landlord's failure to perform repairs and an additional \$1,000.00 representing the security deposit.

The tenant provided no documentary evidence to support his claims and testified that his evidence had been submitted under a previous application which was dismissed with leave to reapply.

### Analysis

The tenant's application for dispute resolution made no mention of a claim for the security deposit and therefore I cannot deal with that claim. The tenant was under the impression that his evidence from his previous dispute resolution hearing would be transferred to the current application.

Based solely on the testimony provided at the hearing without supporting evidence, the tenant cannot prove his claim. I find that the prejudice to the landlord would be minimal if this claim were brought again.

I dismiss the tenant's claim with leave to reapply. On a reapplication, if the tenant wishes to claim repayment of the security deposit, he must specifically identify that claim in order to provide the landlord with notice. The tenant must also submit any evidence on which he intends to rely for the claim for other compensation.

Conclusion

The claim is dismissed with leave to reapply.

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: March 03, 2011

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Residential Tenancy Branch