



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNR, MNSD, MNDC, FF

### Introduction

This hearing was convened in response to the landlord's application seeking:

1. A monetary Order for damages and unpaid rent in the sum of \$5,673.25;
2. An Order allowing the landlord to retain the security deposit;
3. An Order to recover the filing fee paid for this application.

The landlord appeared at the hearing, the tenant did not. The landlord gave evidence under oath.

The landlord produced no evidence of service of this application on the tenant nor did she produce any documentary evidence of the claims being made. The landlord testified that this tenancy ended by way of an Order of Possession received some time ago at which time a previous monetary Order was also given. The landlord submitted that this was a second claim for a monetary Order for further rent.

The landlord submitted that she did not submit any documentary evidence to support this claim because she believed that the Residential Tenancy Branch already had this information. The landlord went on to say that she believed the Residential Tenancy Branch would gather all of the evidence from the previous file and place before the Dispute Resolution Officer for the purposes of this hearing.

Based on the submissions of the landlord, none of the evidence to support the landlord's claim is before me further I am not satisfied that the tenant has had notice of the claims being made against her or served with the landlord's evidence to support the claims being made. I therefore dismiss this claim 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*.

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