



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

FINAL DECISION

Dispute Codes:

MNDC, OLC, RRP, FF

Introduction

This hearing was adjourned after an interim decision was issued on September 29, 2011 in which I found that the application and tenancy could be determined as provided by the Act as the tenancy falls within the jurisdiction of the Act.

The hearing reconvened on October 27, 2011, to hear the tenant's claim in relation to a monetary claim that included loss of belongings, loss of services, loss of quiet enjoyment, landlord entry to the unit without adequate notice, loss of access to the unit and other damage.

My interim decision determined that "other damage" would not be considered as the tenant had not supplied a detailed calculation of that claim.

During the reconvened hearing I determined that the application would not proceed, based upon section 59(5)(a) of the Act which provides the authority decline an application when it does not comply with 59(2)(b) of the Act, by disclosing the full particulars of the claim.

The tenant has not provided a detailed calculation for any portion of her claim, as required. I am unable to determine what portions of her claim relate to a request for compensation and, if so, what amount of compensation she seeks for each item listed. If I were to dismiss the application it is unclear as to what I would be dismissing; therefore, the application has been declined and the tenant has leave to reapply.

Conclusion

I find that this application falls within the jurisdiction of the Act.

The application has been declined as it failed to set out a claim that may be determined by the Act.

The tenant has 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: October 28, 2011.

Residential Tenancy Branch