



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPL, MNSD, MND, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application requesting compensation for damage to the rental unit, to retain all or part of the security deposit, an Order of possession for landlord's use of the property and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants.

The tenants vacated the rental unit on October 1, 2011. The landlord confirmed he submitted the application, which included a request for an Order of possession, on October 11, 2011.

The application was reviewed; the landlord had submitted an overall claim in the sum of \$5,000.00.

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 landlord has not provided a detailed calculation for any portion of the claim for compensation, as required. The landlord provided a global amount claimed and did not serve the tenant or Residential Tenancy Branch with a detailed breakdown the clam. Neither was a detailed breakdown contained in the evidence submission. The tenant did not understand the details of the claim being made. 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 landlord has leave to reapply.

The parties were informed that any future hearing would rely upon new evidence submissions and that information is not transferred between files.

No finding has been made in relation to any portion of the claim made, including the deposits held in trust by the landlord.

Conclusion

I have declined the application. The landlord 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 31, 2011.

Residential Tenancy Branch