



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This hearing was convened by way of conference call in response to an application made by the landlord for a monetary order for unpaid rent or utilities; for an order permitting the landlord to keep all or part of the pet damage deposit or security deposit; and to recover the filing fee from the tenant for the cost of this application.

An agent for the landlord attended the conference call hearing and provided evidence in advance of the hearing. However, despite being served with the Landlord's Application for Dispute Resolution and notice of hearing on September 23, 2011, the tenant did not attend.

During the course of the hearing, the landlord advised that the Landlord's Application for Dispute Resolution contains an error, in that the first and surnames of the tenant have been reversed. Further, the landlord has also stated that the landlord's claim includes a claim for damages, however the application does not claim damages, with the exception of a statement in the details section of the application which mentions damages. The landlord also submitted a Monetary Order Worksheet in which damages are claimed, however the amount of that claim does not match the claim amount on the Landlord's Application for Dispute Resolution.

The landlord applied to amend the application, however, in the absence of the tenant, I found that it would not be appropriate to allow such an amendment as an amendment might prejudice the tenant.

In the circumstances, I find that if the landlord's application proceeded to a hearing, the landlord would not be in a position to enforce any monetary order against the tenant. I further find, however, that the landlord ought not to be barred from reapplying for such an order and I determined that the landlord's application should be dismissed with leave to reapply.

Conclusion

For the reasons set out above, the landlord's application is hereby 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: December 14, 2011.

Residential Tenancy Branch