



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC and FF

Introduction

This hearing was convened in response to an Application for Dispute Resolution, in which the Tenant applied for a monetary Order for money owed or compensation for damage or loss and to recover the filing fee from the Landlord for the cost of filing this application.

The male Tenant stated that he personally served the male Respondent, who is the owner of the residential property, with copies of the Application for Dispute Resolution and Notice of Hearing on July 28, 2011 or July 29, 2011. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Landlord did not appear at the hearing.

Issue(s) to be Decided

The issue to be decided is whether the Tenant is entitled to a monetary Order and to recover the cost of filing this Application for Dispute Resolution.

Background and Evidence

The Tenant was advised that the application for a monetary Order was being refused, pursuant to section 59(5)(c) of the *Residential Tenancy Act (Act)*, because the Application for Dispute Resolution did not provide sufficient particulars of the monetary claim, as is required by section 59(2)(b) of the *Act*. In reaching this conclusion, I was strongly influenced by the absence of any written explanation of why the Tenant is seeking compensation in the amount of \$1,677.00. I find that proceeding with the Tenant's claim for compensation at this hearing would be prejudicial to the Landlord, as the absence of particulars makes it difficult, if not impossible, for the Landlord to adequately prepare a response to the claim.

Conclusion

As I have not considered the Tenant's claim for compensation, the Tenant retains the right to file another Application for Dispute Resolution claiming compensation arising from the tenancy.

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: November 01, 2011.

Residential Tenancy Branch