



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR

Introduction

A hearing was conducted by conference call in the presence of both parties. a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant by mailing, by registered mail to where he resides. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issue to be decided is whether the landlord is entitled to a monetary order and if so how much?

Background and Evidence:

The tenancy began on or about September 1 2011 and ended on November 1, 2012. The rent was \$600 per month. There is a dispute between the parties as to whether the Tenant paid a security deposit.

On November 27, 2012 an arbitrator heard claims filed by the Tenant and by the Landlord. The landlord failed to attend the hearing. The Tenant was present. The arbitrator dismissed the landlord's claim in its entirety without leave to re-apply. The tenant's application was dismissed but he was granted leave to re-apply.

The tenant filed an application which was heard on March 25, 2013 in File #803073. The arbitrator ordered that the Landlord pay to the Tenant the sum of \$1250.

Analysis - Monetary Order and Cost of Filing fee

The landlord testified that he was seeking the sum of \$860 for unpaid rent. This is the same claim the landlord made in the hearing that was held on November 27, 2012. The arbitrator in that hearing dismissed the landlord's claim in its entirety without leave to re-apply. That decision is binding on the parties unless overturned on review or by judicial review.

As a result I ordered the landlord's claim be dismissed without leave to re-apply.

At the hearing the landlord alleged that the Tenant took some of the landlord's belongings and left the rental unit in a damaged and unclean condition. This claim was not made in the Application for Dispute Resolution and cannot be considered.

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: May 13, 2013

Residential Tenancy Branch

