



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding COLLIERS MACAULAY NICOLLS, INC  
and [tenant name suppressed to protect privacy]

## Decision

Dispute Codes      MNR, FF

### Introduction

This hearing dealt with the landlord's application for dispute resolution seeking remedy under the Residential Tenancy Act (the "Act"). The landlord applied for a monetary order for money owed or compensation for damage or loss.

The applicant was present and participated in the hearing. Despite being served with the Notice of Hearing documents by registered mail sent on April 22, 2014, the respondents did not appear and the hearing was therefore conducted in the their absence.

### Issue(s) to be Decided

- Is the landlord entitled to compensation for rental arrears?

### Background and Evidence

The landlord listed the monetary claim in the application in the amount of \$2,542.00, in the details of the dispute portion of the application. However at the outset of the hearing, the landlord testified that the tenant had paid all of the outstanding arrears.

### Analysis

With respect to an Applicant's right to claim damages from another party, section 7 of the Act states that if a landlord or tenant does not comply with the Act, the regulations or the tenancy agreement, the non-complying party must compensate the other for damage or loss that results. Section 67 of the Act grants an Arbitrator the authority to determine the amount and to order payment under these circumstances.

Section 59(5)(a) states that an arbitrator may refuse to accept an application for dispute resolution if the evidence does not disclose any dispute to be determined.

I find that the dispute before me was filed to deal with rental arrears. Given that the landlord testified that there are no arrears owing, I find that there is no dispute to be

determined. I therefore decline to hear or consider the landlord's application for dispute resolution and make no findings on its merits.

**Conclusion**

The landlord's application for dispute resolution is not being heard due to unclear or absent details of the claim. No findings are made on the merits of the landlord's application.

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: August 19, 2014

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Residential Tenancy Branch

