



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

MNDC, MND, MNSD, ET, FF

### Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an early end to tenancy and an Order of Possession; a monetary Order for money owed or compensation for damage or loss; for a monetary Order for damage; to keep all or part of the security deposit; and to recover the fee for filing this Application for Dispute Resolution.

The Agent for the Landlord stated that on December 19, 2014 the Application for Dispute Resolution, the Notice of Hearing, and documents the Landlord wishes to rely upon as evidence were sent to the Tenant at the rental unit, via registered mail. The Landlord submitted a Canada Post documentation receipt that corroborates this statement.

### Preliminary Matter

At the outset of the hearing the Agent for the Landlord applied to amend the Application for Dispute Resolution to include a claim for unpaid rent. He was advised that his application for an amendment is denied.

This decision was based on section 59(2)(b) of the *Residential Tenancy Act* which requires an Applicant to provide "full particulars of the dispute that is to be the subject of the dispute resolution proceedings". As the Landlord has not previously informed the Tenant that the Landlord will be seeking compensation for unpaid rent at this hearing, I find it would be unfair to the Tenant to proceed with that claim in the absence of the Tenant.

### Issue(s) to be Decided

Is the Landlord entitled to retain all or part of the security deposit paid by the Tenant; and to recover the filing fee for the cost of this Application for Dispute Resolution.

### Background and Evidence

The Landlord submitted 61 pages of evidence to the Residential Tenancy Branch on January 09, 2014. The Agent for the Landlord stated that this evidence has not been served to the Tenant as the Tenant's whereabouts are unknown. He was advised that the evidence could not be considered at these proceedings as they have not been served to the Tenant.

Upon being advised that the Application for Dispute Resolution will not be amended to include a claim for unpaid rent and that the 61 page evidence package was not being accepted as evidence for these proceedings, the Agent for the Landlord withdrew the Application for Dispute Resolution.

### Analysis

I find that this Application for Dispute Resolution has been withdrawn. As I have made no finding in relation to the merits of the Application, the Landlord retains the right to file another Application for Dispute Resolution regarding these matters.

### Conclusion

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: January 15, 2015

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Residential Tenancy Branch

