



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, O, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by the landlord

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on August 27, 2014 in accordance with Section 89. Section 90 of the *Act* deems documents served in such a manner to be received on the 5th day after they have been mailed.

Based on the testimony of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

At the outset of the hearing I discussed with the landlord the fact that her Application for Dispute Resolution did not adequately disclose the full particulars of her claim against the tenant as is required under Section 59(2). While the landlord's Application did indicate a full amount of \$3,673.00 and she specifically identified that she was seeking lost rent for one month of \$1,100.00 and painting costs in the amount of \$878.00 she had provided no other explanation for the balance of \$1,695.00.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; for damage to the rental unit; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 37, 38, 45, 67, and 72 of the *Residential Tenancy Act (Act)*.

Analysis

Section 59(2) of the *Act* stipulates that an Application for Dispute Resolution must:

- a) Be in the applicable approved form;
- b) Include full particulars of the dispute that is to be the subject of the dispute resolution proceedings; and
- c) Be accompanied by the fee prescribed in the regulations.

Based on the landlord's Application for Dispute Resolution, I find that the landlord has failed to sufficiently include full particulars of the dispute that was the subject of her Application. As such, I find the landlord's Application, as submitted, is not sufficient to proceed with adjudication.

Conclusion

Based on the above, I dismiss the landlord's Application for Dispute Resolution with leave to reapply pursuant to any and all requirements under the *Act*.

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: March 18, 2015

Residential Tenancy Branch

