



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ERP, LRE, REP, RPP, RR, MNDC

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act, (the "Act"), for a monetary order for compensation for damage or loss under the Act, to have the landlord make emergency repairs for health or safety reasons, to have the landlord make repairs to the unit, to have the landlord return the tenant's personal property, to suspend or set conditions on the landlord's rights to enter the rental unit and to allow a tenant to reduce rent for repairs.

The tenant attended the hearing. As the landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenant testified the Application for Dispute Resolution and Notice of Hearing were sent by registered mail on February 25, 2015, a Canada post tracking number was provided as evidence of service.

Section 90 of the Act determines that a document served in this manner is deemed to have been served five days later. I find that the landlord has been duly served in accordance with the Act.

### Preliminary matters

On March 3, 2015, the landlord's application was scheduled for a dispute resolution hearing. The Arbitrator granted the landlord a monetary order and an order of possession for non-payment of rent.

At the outset of the hearing the tenant indicated that they have vacated the premise and that they currently have their belongings in a haul. As a result I find it not necessary for me to consider the majority of the tenant's application as the tenancy has ended.

The tenant indicated that the only remaining issue to be determined in their application is their request for a monetary order. Although the tenant checked the box for a monetary order, no amount was indicated in their application, no monetary worksheet was provided, and no details of dispute were provided on this issue.

Section 59 (2) of the Act states an application for dispute resolution must include full particulars of the dispute that is to be the subject of the dispute resolution proceeding, this would include providing a detail calculation of the claim. Further, the principles of natural justice require that a person be informed and given particulars of the claim against them.

I find it would be administratively unfair to proceed with this portion of the tenant's application. Therefore, I dismiss the tenant's application for a monetary order with leave to reapply.

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 25, 2015

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Residential Tenancy Branch

