



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Introduction

This hearing addressed the landlords' application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order of possession for unpaid rent, pursuant to section 55;
- a monetary order for unpaid rent, damage to the unit and money owed or compensation for damage or loss pursuant to section 67;
- authorization to retain all or a portion of the tenants' security deposit in partial satisfaction of the monetary order requested, pursuant to section 38; and
- authorization to recover the filing fee for this application from the tenant, pursuant to section 72.

The tenant did not participate in the conference call hearing, which lasted approximately 40 minutes. The landlords, RO (the "landlord") and KB ("landlord KB") attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that on November 17, 2015 she forwarded the landlords application for dispute resolution via registered mail to the tenants. Based on the testimony of the landlord and in accordance with sections 89 and 90 of the *Act*, I find that the tenants have been deemed served with the application on November 22, 2015, the fifth day after its registered mailing.

Landlord KB testified that the tenants vacated the rental unit sometime in October of 2015. Consequently, the order of possession is no longer required and this portion of the landlords' application has been dismissed without leave to reapply.

During the hearing the landlord was unable to provide a monetary breakdown for the \$25,000.00 in damages sought in the landlords' application. The landlord requested to provide this information at a later date.

Pursuant to Rule 2.5 of the Residential Tenancy Branch Rules of Procedure, applicants are required to provide a detailed calculation of any monetary claim being made. This Rule ensures respondents are aware of the specific case against them and administrative fairness is met. Based on the absence of specific calculations, I advised the landlord that the landlord's entire monetary application was dismissed with leave to reapply and the landlord would have to file a new application and pay the applicable filing fee.

Due to the landlord not being prepared to proceed with the hearing the landlords application to recover the \$100.00 filing fee is dismissed without leave to reapply.

Conclusion

The landlords' application for an order of possession is dismissed without leave to reapply.

The landlords' application for a monetary order for unpaid rent, damage to the unit and money owed or compensation for damage or loss is dismissed with leave to reapply.

The landlords' application to recover the \$100.00 filing fee is dismissed without 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: June 09, 2016

Residential Tenancy Branch