



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, MNDC, SS, FF, O

### Introduction

On May 26, 2016, the Tenant submitted an Application for Dispute Resolution for money owed or compensation for damage or loss under the Act, regulations or tenancy agreement; for the Landlord to return of all or part of the pet damage deposit or security deposit, for an order of substituted service; and to recover the filing fee for the Application.

The Tenant appeared at the hearing; however, the Landlord did not. The Tenant testified that he sent the Notice of Hearing to the Landlord on two occasions. He sent the Notice of Hearing in early June 2016, and again on October 20, 2016, using registered mail. The Tenant testified that he does not know the Landlord's residential address, so he sent the Notice of Hearing to the address of the rental unit. The Tenant testified that the Landlord regularly receives mail at the address of the rental unit.

### Preliminary and Procedural Matters

Section 59 of the Act states that an Application for dispute resolution must be in the approved form and include full particulars of the dispute that is to be the subject of the dispute resolution proceedings.

The Residential Tenancy Branch Rules of Procedure 2.5 states that an applicant must submit a detailed calculation of any monetary claim being made.

The Tenant's Application indicates the Tenant is seeking \$20,000.00 in compensation; however the Tenant did not provide a detailed calculation of the monetary claim being made. As the Tenant did not provide the full particulars of the claim, the Tenant's Application is dismissed with leave to reapply.

If the Tenant reapplies for dispute resolution he is cautioned that if the Landlord does not attend the hearing, the Tenant will have to provide sufficient evidence to the

Arbitrator to prove that the address used for service is in fact the address at which the Landlord carries on business as a Landlord.

Conclusion

The Tenant's Application did not contain the full particulars of the dispute and therefore the Application is dismissed in its entirety 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: November 16, 2016

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Residential Tenancy Branch