



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding THE SCOTSMAN MOTEL  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MND MNDC MNSD FF

### Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, received at the Residential Tenancy Branch on June 15, 2016 (the "Application"). The Landlord applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for damage to the unit, site, or property;
- a monetary order for money owed or compensation for damage or loss;
- an order allowing the Landlord to keep all or part of the security deposit or pet damage deposit; and
- an order granting recovery of the filing fee.

The Landlord was represented at the hearing by P.G., who provided a solemn affirmation. The Tenant did not attend the hearing.

At the outset of the hearing, it was observed that the only documentation in the file was a copy of the Application and a copy of the Notice of a Dispute Resolution Hearing, dated June 17, 2016. Notably absent were proof of service documents, a monetary order worksheet detailing the Landlord's claim, and documentary evidence in support of the amount claimed. However, on behalf of the Landlord, P.G. testified that the Landlord's documentary evidence was submitted through Service BC.

Section 59(2) of the *Act* confirms that an application for dispute resolution must include full particulars of the dispute that is to be the subject of the dispute resolution proceedings. Section 59(5) of the *Act* permits and arbitrator to refuse to accept an application that does not comply with section 59(2).

In light of the above, and pursuant to section 59(5) of the *Act*, I decline to accept the Landlord's Application. The Landlord is at liberty to reapply for the relief claimed.

Conclusion

Pursuant to section 59(5) of the *Act*, I decline to accept the Landlord's Application. The Landlord is at liberty to reapply for the relief claimed.

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: December 13, 2016

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Residential Tenancy Branch