



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes CNC, MNDC, MNSD, FF,

### Introduction

On February 7, 2017, the Tenant applied for Dispute Resolution seeking to cancel a 1 Month Notice to End Tenancy for Cause; for a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act* (“the Act”), regulation, or tenancy agreement; for the return of the security deposit; and to recover the cost of the filing fee.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The evidence was reviewed and confirmed received by each party. The parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to present affirmed oral testimony and to make submissions during the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Preliminary and Procedural Matters

At the start of the hearing the Tenant testified that she moved out of the rental unit on February 28, 2017. The Tenant stated that she no longer needs to dispute the 1 Month Notice to End Tenancy.

The Tenant applied for the return of the security deposit; however, she testified that she never provided the Landlord with her forwarding address in writing. The Landlord has not had an opportunity to make a claim against the security deposit. The Tenant must serve the Landlord with the Tenant’s forwarding address in writing. Once the Landlord is served with the Tenants forwarding address, the Landlord has 15 days to repay the security deposit or make application for Dispute Resolution to make claim against it. If the Landlord does not return or make claim against the deposit, after the forwarding address is served, the Tenant may reapply for dispute resolution. The Tenant’s application for the return of the security deposit is dismissed with leave to reapply.

The Tenant applied for a monetary order in the amount of \$2,000.00 but failed to provide a monetary order worksheet to identify the full particulars of her claim. In addition, the Tenant did not provide any documentary evidence in support of the monetary claim.

Section 59 of the Act states that an application for Dispute Resolution must include the full particulars of the dispute that is to be the subject of the dispute resolution proceedings. The director may refuse to accept an application for dispute resolution if the full particulars of the dispute are not provided.

I find that the Tenant has not provided the full particulars of her monetary claim and I dismiss her application for a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act* ("*the Act*"), regulation, or tenancy agreement, with leave to reapply.

There is only one issue remaining within the Tenant's application.

#### Issue to be Decided

- Is the Tenant entitled to recover the cost of the filing fee?

#### Analysis

Section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. As the Tenant was not successful in her application, I decline an order for the Landlord to repay the \$100.00 fee that the Tenant paid to make application for dispute resolution.

#### Conclusion

The Tenant's application to cancel the 1 Month Notice to End Tenancy is dismissed because the tenancy ended when the Tenant moved out of the rental unit prior to the hearing.

The Tenant has leave to reapply for the security deposit and for her monetary claims. The Tenants request to recover the filing fee is denied.

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 09, 2017

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Residential Tenancy Branch