



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes                      MNSD, MNDC, MND, FF

### Introduction and Preliminary Matter

This hearing convened as a result of a Landlords' Application for Dispute Resolution wherein the Landlords sought \$6,200.00 in monetary compensation from the Tenant for damage to the rental, loss of rental revenue, authority to retain the security deposit and recovery of the filing fee.

The matter was set for teleconference hearing at 1:30 p.m. on April 6, 2017. Only the Landlord, Z.Y., called into the hearing.

The Landlord confirmed that she failed to submit any evidence with her Application and consequently did not serve any on the Tenant. She further stated that it was her understanding that she was to call into the hearing after which she would be given instructions and an opportunity to submit evidence to the Residential Tenancy Branch.

*Rules 2.5 and 3.1 of the Residential Tenancy Branch Rules of Procedure* provide as follows:

### **2.5 Documents that must be submitted with an Application for Dispute Resolution**

To the extent possible, at the same time as the application is submitted to the Residential Tenancy Branch directly or through a Service BC office, the applicant must submit:

- a detailed calculation of any monetary claim being made;
- a copy of the Notice to End Tenancy, if the applicant seeks an order of possession or to cancel a Notice to End Tenancy; and
- copies of all other documentary and digital evidence to be relied on at the hearing.

When submitting applications online, the applicant must submit the required documents to the Residential Tenancy Branch directly or through a Service BC office within three business days of submitting the online Application for Dispute Resolution.

### **3.1 Documents that must be served**

The applicant must, within 3 days of the hearing package being made available by the Residential Tenancy Branch, serve each respondent with copies of all of the following:

- a) the application for dispute resolution;
- b) the notice of dispute resolution proceeding letter provided to the applicant by the Residential Tenancy Branch;
- c) the dispute resolution proceeding information package provided by the Residential Tenancy Branch;
- d) a detailed calculation of any monetary claim being made;
- e) a copy of the Notice to End Tenancy, if the applicant seeks an order of possession or to cancel a Notice to End Tenancy; and
- f) any other evidence, including evidence submitted to the Residential Tenancy Branch with the application for dispute resolution, in accordance with Rule 2.5 [*Documents that must be submitted with an application for dispute resolution*].

The Landlords bear the burden of proving their claim on a balance of probabilities and must submit to the Branch and serve on the Tenant evidence in support of their claim in accordance with the *Rules of Procedure*. In failing to submit their evidence the Landlords have not complied with the *Rules of Procedure* and have also failed to give the Tenant appropriate notice of the claims against them.

The Landlord stated that she had been out of Canada for a prolonged period of time and was not able to properly prepare for the hearing.

The hearing concluded after ten minutes and the Tenant failed to call into the hearing.

As the Landlord was not prepared to present their claim, and had failed to serve evidence on the Branch or the Tenant, I dismiss the Landlords' claim 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: April 06, 2017