



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, LRE, O, FF

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing via conference call and provided affirmed testimony. Both parties confirmed that the tenant served the landlord with the notice of hearing package and the submitted documentary evidence via Canada Post Registered Mail. I accept the undisputed affirmed testimony of both parties and find that the landlord was properly served as per sections 88 and 89 of the Act.

At the outset both parties confirmed that the tenancy would come to an end on September 1, 2017 as a result of the landlord serving the tenant a 2 Month Notice to End Tenancy for Landlord's Use as the landlord has sold the property. The tenant has stated that issues with the landlord's actions have now been resolved and no longer require action. As such, the tenant stated that only the monetary claim and recovery of the filing fee needs to be addressed. The landlord acknowledged his understanding.

A review of the Residential Tenancy Branch File and the submitted evidence failed to disclose the details of the tenant's monetary claim. The tenant stated that this was included with her initial documentary evidence. This was not found in the Residential Tenancy Branch File or within the landlord's copy of the tenant's notice of hearing package and the received documentary evidence. I find that the tenant has failed to

disclose the particulars of her monetary claim within the application for dispute or within the submitted documentary evidence. The landlord has not received proper notice of the monetary claim particulars required to respond to the tenant's application. As such, the tenant's application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: July 21, 2017

Residential Tenancy Branch