



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT, LA, LRE, OLC, MNDC, FF

Introduction

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;
- authorization to change the locks to the rental unit pursuant to section 70;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- an order of possession of the rental unit pursuant to section 54;
- authorization to recover her filing fee for this application from the landlord pursuant to section 72.

The tenant attended the hearing via conference call and provided affirmed testimony. The landlord did not attend or submit any documentary evidence. The tenant did not submit any documentary evidence. The tenant stated that the landlord was served with the notice of hearing package by posting it to the landlord's door on October 4, 2018 with a witness. The tenant's witness, W.P, stated that he was present on October 4, 2018 and was told by the tenant the sealed envelope contained a copy of the tenant's notice of hearing package. The tenant and the witness both confirmed that he was the tenant's roommate. I accept the undisputed affirmed testimony of the tenant and find on a balance of probabilities that the landlord was sufficiently served as per section 90 of the Act.

Preliminary Issue(s)

At the outset, the tenant stated that she no longer resides at the rental unit and does not wish to re-establish her tenancy. As such, the tenant has cancelled the following portions of her application.

- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- authorization to change the locks to the rental unit pursuant to section 70;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- an order of possession of the rental unit pursuant to section 54;

The tenant wishes to proceed on the following:

- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to recover her filing fee for this application from the landlord pursuant to section 72.

Issue(s) to be Decided

Is the tenant entitled to a monetary order for compensation for damage or loss and recovery of the filing fee?

Background, Evidence and Analysis

While I have turned my mind to all the documentary evidence, and the testimony of the parties, not all details of the respective submissions and / or arguments are reproduced here. The principal aspects of the applicant's claim and my findings are set out below.

The tenant also seeks a monetary claim of \$35,000.00 and states, "He has taken everything I own not once but twice stating a bailiff did it as per Residential Tenancy Order. Will provide info and evidence."

During the hearing extensive discussions took place with the tenant and it was noted that the tenant was in fact seeking compensation for personal property not returned by the landlord. No details of the list of items or their monetary valuations were provided.

I find that the tenant has failed to provide sufficient details on the monetary claim making it unreasonable to address whether there are personal property taken and not returned by the landlord. As such, the tenant's application for monetary compensation

is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

The tenant having been unsuccessful in her application for dispute is not entitled to recovery of the filing fee.

Conclusion

The tenant's application is dismissed 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 13, 2018

Residential Tenancy Branch