



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution filed under the *Residential Tenancy Act* (the "*Act*"), made on February 16, 2019. The Landlord applied for a monetary order for damages to the rental unit and permission to keep the security deposit. The matter was set for a conference call.

The Landlord attended the hearing and was affirmed to be truthful in his testimony. As the Tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing documentation was considered. Section 59 of the *Act* and the Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing. The Landlord testified the Application for Dispute Resolution and Notice of Hearing had been personally served to the Tenant on February 23, 2019. I find that the Tenant had been duly served in accordance with the *Act*.

The Landlord was provided with the opportunity to present his evidence orally and in written and documentary form, and to make submissions at 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.

Issues to be Decided

- Is the Landlord entitled to a monetary order for damages?
- Is the Landlord entitled to retain the security deposit?

Preliminary Matter

I have reviewed the Landlord's application, and I noted that the Landlord did not submit and detailed calculation of his monetary claim. The Rules of Procedure section 2.5 states the following:

Documents that must be submitted with an Application for Dispute Resolution

"To the extent possible, the applicant should submit the following documents at the same time as the application is submitted:

- 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 in the proceeding, subject to Rule 3.17 [Consideration of new and relevant evidence].

When submitting applications using the Online Application for Dispute Resolution, the applicant must upload the required documents with the application or submit them to the Residential Tenancy Branch directly or through a Service BC Office within three days of submitting the Online Application for Dispute Resolution."

The Landlord testified during the hearing that he had not filled form #RTB-37, Monetary Work Sheet, or provided any form of detailed calculation of his monetary claim.

Due to the absence of this required document, I find it appropriate to dismiss the Landlord's claim for a monetary order for damages to the rental unit, and permission to keep the security deposit with leave to reapply.

Conclusion

I dismiss the Landlord's Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the legislation. I have not made any findings of fact or law with respect to the Application.

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: June 6, 2019

Residential Tenancy Branch