



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC RPP FF

Introduction

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

- a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- an order requiring the landlord to return the tenant's personal property pursuant to section 65;
- authorization to recover the filing fee for this application pursuant to section 72.

All named parties attended the hearing. No issues were raised with respect to the service of the tenant's application and respective evidence submissions.

At the outset of the hearing, the tenant's counsel advised the tenant was seeking monetary compensation for aggravated damages in addition to the \$200.00 monetary compensation amount claimed in this application. The tenant's counsel advised the tenant stated in the application that he was seeking aggravated damages but failed to identify the amount sought for such. The tenant's counsel advised the tenant was not aware that he was required to list an amount for each item claimed and that he had just retained counsel the day of the hearing. The tenant's counsel requested to withdraw the application with leave to reapply.

The landlord objected to the withdrawal stating that it was unfair to allow the tenant another opportunity and for her to have to resubmit evidence again.

I find the prejudice to the landlord would be minimal as the landlord may resubmit evidence online. I allowed the tenant to withdraw this application with leave to reapply. Leave to reapply is not an extension of any applicable timelines under the Act.

The tenant was cautioned that if he does choose to resubmit an application, he is required to provide a monetary order worksheet with an itemized breakdown of each

amount claimed and that the burden of proof is on the tenant to establish any claim put forward.

This application is withdrawn.

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: May 25, 2020

Residential Tenancy Branch