



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SKYLARK HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC, FFT

Introduction

This hearing dealt with the Tenant's application filed under the Residential Tenancy Act (the "Act"), requesting an Order for the Landlord to comply with the Act, and for the return of their filing fee. The matter was set for a conference call.

Both Landlords, their attorney (the "Landlord"), and the Tenant attended the hearing and were each affirmed to be truthful in their testimony. Both parties were provided with the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing. The parties testified that they exchanged the documentary evidence that I have before me.

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.

Issue to be Decided

- Should the Landlord be ordered to comply with the Act?
- Is the Tenant entitled to the recovery of the filing fee of their application?

Background and Evidence

While I have turned my mind to all of the accepted documentary evidence and the testimony of the parties, only the details of the respective submissions and/or arguments relevant to the issues and findings in this matter are reproduced here.

During the Tenant's testimony, they testified that they were seeking financial compensation due to the loss of personal property during this tenancy.

Analysis

Based on the above, testimony and evidence, and on a balance of probabilities, I find as follows:

I find that the crux of the Tenant's claim is that they were seeking monetary compensation.

I have reviewed the Tenant's application and find that they failed to include a monetary request with this application.

As the Landlord had not been advised that this hearing would involve a monetary claim against them, I find it appropriate to dismiss the Tenant's application with leave to reapply.

Section 72 of the *Act* gives me the authority to order the repayment of a fee for an application for dispute resolution. I find that the Tenant is not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

I dismiss the Tenant's application 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: July 13, 2020

Residential Tenancy Branch