



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S, FFL

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for damages to the unit - Section 67;
2. An Order to retain the security deposit - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

Both Parties appeared and were each given full opportunity to be heard, to present evidence and to make submissions. The Tenant confirmed that its email address as set out in the Landlord’s application is correct.

As a preliminary matter it was noted that the Landlord’s application sets out a total monetary claim of \$2,050.00 while its monetary worksheet lists a total monetary claim of \$24,674.05 and includes a claim for lost rental income, particulars of which were not included in the application. The Landlord confirmed that it made an amendment to its application on April 8, 2020 with a duplicate amendment made June 22, 2020. The Landlord confirmed that the application to amend the application for dispute resolution only dealt with the removal of additional respondents named in the original application.

Rule 2.2 of the Residential Tenancy Branch Rules of Procedure provides that claims are limited to that stated in the application. The Tenant was given the option to accept an amendment to the application at the hearing. The Landlords were given the option to proceed on the original amount claimed in the application. The Tenant did not agree to

an amendment of the application to increase the amount to that set out in the monetary order worksheet. The Landlord did not agree to proceed on the amount set out in the application. For these reasons and as the Landlord's additional claims may have merit, I dismiss the Landlord's application, excepting the filing fee claim, 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 Act.

Dated: August 11, 2020

Residential Tenancy Branch