



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S, FFL

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution filed under the *Residential Tenancy Act* (the "Act"), made on April 19, 2021. The Landlord applied for a monetary order for damages to the rental unit, for permission to keep the security deposit, and to recover the filing paid for this application. The matter was set for a conference call.

The Tenant and their Advocate (the "Tenant") as well as the Landlord attended the hearing and were each affirmed to be truthful in their testimony. The Landlord and Tenant were provided with the opportunity to present their evidence orally and in written and documentary form and to make submissions at the hearing. Both parties were advised of section 6.11 of the Residential Tenancy Branches Rules of Procedure, prohibiting the recording of these proceedings.

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?
- Is the Landlord entitled to recover their filing for this application?

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 they had not filled form #RTB-37, Monetary Work Sheet, nor had they provided any form of detailed calculation of their monetary claim to the Respondent.

Due to the absence of this required document, I find it would be procedurally unfair to the Respondent in these proceedings, and I dismiss the Landlord's claim for a monetary order for damages to the rental unit and permission to keep the security deposit.

Conclusion

I dismiss the Landlord's Application for Dispute Resolution.

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: October 21, 2021

Residential Tenancy Branch