



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MNDC, MNSD, FF

Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for a monetary Order for money owed or compensation for damage or loss, to retain all or part of the security deposit, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Both parties were represented at the hearing.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to compensation for losses he incurred as a result of a fixed term tenancy ending early; compensation for damage to the rental unit; compensation for dishonoured cheques; to retain all or part of the security deposit; and to recover the filing fee for the cost of this Application for Dispute Resolution.

Background and Evidence

At the hearing the Landlord stated that he submitted evidence, including a copy of the fixed term lease, to the Residential Tenancy Branch (RTB) however I did not have copies of that evidence available to me at the time of the hearing.

The Landlord also stated that he served copies of his evidence on the Tenant by mailing it to the rental unit, although he was aware that the Tenant was no longer residing at the rental unit. The Tenant advised that he did not receive any documents from the Landlord other than the Notice of Hearing and a RTB fact sheet.



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Conclusion

I find that the merits of this dispute cannot be properly considered without the evidence that the Landlord allegedly submitted to the RTB. Specifically, I find that this dispute cannot be properly considered without a copy of the fixed term agreement and/or evidence that supports the Landlord's claim for damages to the rental unit.

On this basis, I dismiss the Landlord's Application for Dispute Resolution with leave to reapply. The Landlord retains the right to file another 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: July 28, 2009.

Dispute Resolution Officer