



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for a monetary order for damages to the unit and an order to retain the security deposit in partial satisfaction of the claim.

Both parties appeared.

Preliminary and procedural matters

Section 59 (2) of the Act states an application for dispute resolution must include full particulars of the dispute that is to be the subject of the dispute resolution proceedings as the principles of natural justice require that a person be informed and given particulars of the claim against them.

In this matter the landlord's application was filed on January 16, 2015, seeking monetary compensation in the amount of \$9 250.00. Sufficient details of their claim were not provided in the application, nor was a monetary worksheet provided or any other details to indicate what the amount claimed was for, such as unpaid rent.

On July 15, 2015, six months after the claim was filed the landlord provided evidence in support of their application, which was filed with the Residential Branch late. The tenant indicated they have not received the evidence from the landlord, which was said to have been sent by registered mail on July 10, 2015.

Even, if I accept the landlord sent the evidence to the tenants by mailed on July 10, 2015, it was not received by the tenant. Further, the tenant submitted that they did not understand the landlord's claim.

Since the landlord did not comply with section 59 of the Act, or the rules of procedures as they were required to file all evidence to the extent possible with their application. I find it appropriate to dismiss the landlord's claim with leave to reapply.

.Conclusion

The landlord's application is dismissed 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 29, 2015

Residential Tenancy Branch