



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, RR, FF

### Introduction

This hearing was scheduled to deal with a tenant's application for a Monetary Order for damage or loss under the Act, regulations or tenancy agreement in the amount of \$2,500.00 and authorization to reduce rent for repairs or services or facilities not provided. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

I determined that the tenant's application and the landlord's response were sufficiently served in a manner that complies with the Act. However, pursuant to the deadlines provided under the Rules of Procedure, I determined that a submission by the tenant's legal representative was submitted to the Residential Tenancy Branch and the landlord late. The landlord was agreeable to accepting the late submission and proceeding.

In light of the landlord's acceptance of the late submission I have considered the late submission in reaching this decision.

I noted that in filing this application the tenant sought compensation of \$2,500.00 with a notation "I am seeking 6 months of reduction of rent as compensation" yet the tenant's monthly rent is only \$400.00 per month. Further, in the written submission a request for aggravated damages was made in addition to compensation for an unspecified amount for 11 months of loss of quiet enjoyment but the original application was not amended.

In keeping with the principles of natural justice, the respondent has the right to know the nature of the claim and the remedy sought by the applicant so as to provide a response or defence. As such, section 59 of the Act which provides, in part,

(2) An application for dispute resolution must

(a) be in the applicable approved form,

(b) include full particulars of the dispute that is to be the subject of the dispute resolution proceedings, and

(c) be accompanied by the fee prescribed in the regulations.

(3) Except for an application referred to in subsection (6), a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.

I found I could not proceed with this application as presented to me due to the changing and unclear remedy sought by the tenant and lack of full particulars. Therefore, pursuant to section 79(5), I refused to accept the application and submission of the tenant and his legal representative. The tenant is at liberty to make a subsequent application that complies with the requirements of the Act.

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 24, 2012.

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Residential Tenancy Branch