



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the tenants: MNDC, FF
For the landlords: MND, MNDC, FF

Introduction

This hearing was convened as a result of the cross applications of the parties for dispute resolution under the Residential Tenancy Act (the "Act").

The tenants applied for a monetary order for money owed or compensation for damage or loss and for recovery of the filing fee.

The landlords applied for a monetary order for damage to the rental unit and for money owed or compensation for damage or loss and for recovery of the filing fee.

The hearing process was explained to the parties and an opportunity was given to ask questions about the hearing process.

Background and Evidence

Details of the tenancy were discussed, with the tenants saying the tenancy began on August 1, 2009, and the landlords saying that it began on April 1, 2009, pursuant to the tenancy agreement. The parties agreed that monthly rent was \$950.00 and that the tenancy ended on August 27, 2012.

The tenants listed a monetary claim in their application in the amount of \$6556.58. The tenants did not provide a separate itemized listing or an explanation of the monetary claim as required by the Act and as requested in the application signed by the tenants; rather they provided numerous, unnumbered documents, which included receipts, meant to support their claim

The landlords listed their monetary claim in their application, in the amount of \$25,000.00. The landlords did not provide an itemized listing of the monetary claim, which totalled \$25,000.00, as required by the Act and as requested in the application for dispute resolution signed by the landlord.

Analysis and Conclusion

The tenants and the landlords were advised that their respective applications for dispute resolution requesting monetary compensation were being refused, pursuant to section 59 (5)(a) of the *Residential Tenancy Act*, because their application for dispute resolution did not provide sufficient particulars of their claim for compensation, as is required by section 59(2)(b) of the *Act*. In reaching this conclusion, I was further influenced by the parties' testimony that each did not understand the breakdown of the request for monetary compensation listed in the other parties' application.

I find that proceeding with the tenants' and the landlords' respective monetary claims at this hearing would be prejudicial to the respective respondents, as the absence of particulars makes it difficult, if not impossible, for each party to adequately prepare a response to the claims.

Conclusion

I therefore refuse the tenants' application for dispute resolution.

I therefore refuse the landlords' application for dispute resolution.

The tenants and the landlords are granted leave to reapply for dispute resolution.

I make no findings on the merits of either application for dispute resolution. Leave to reapply is not an extension of any applicable limitation period.

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* and is being mailed to both the applicants/tenants and the applicants/landlords.

Dated: February 22, 2013

Residential Tenancy Branch

