



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants to obtain a Monetary Order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement.

The parties appeared at the teleconference hearing and gave affirmed testimony. At the outset of the hearing I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however each declined and acknowledged that they understood how the conference would proceed.

### Issue(s) to be Decided

Should this hearing proceed with hearing the Tenant's application?

### Background and Evidence

At the outset of this proceeding the Landlord's affirmed that they received a copy of the Tenants' application for dispute resolution and the notice of hearing letter in early April 2013. They advised that they did not receive any other documents or papers from the Tenants and therefore they do not know why the Tenants are seeking monetary compensation or how they determined the amount of the claim.

The Tenants confirmed receiving copies of the Landlord's evidence on May 14, 2013. The Landlord's evidence consisted of a written submission; a Monetary Order dated July 26, 2011; and payment orders issued by Provincial Court.

The Tenants confirmed that they did not serve the Landlords with any of their evidence or documents.

### Analysis

Section 59 (2) of the Act stipulates that 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.

Section 59 (5) of the Act stipulates that the director may refuse to accept an application for dispute resolution if

- (a) in the director's opinion, the application does not disclose a dispute that may be determined under this Part,
- (b) the applicant owes outstanding fees under this Act to the government, or
- (c) the application does not comply with subsection (2).

In this case the Tenants filed an application for monetary compensation of \$14,158.63 and in the details of the dispute they wrote “*please see attached documents 1 & 2*”. The Tenants attended this proceeding and provided affirmed testimony where they confirmed they did not serve the Landlord’s with their evidence which included documents 1 & 2 reference in the details of their dispute. The Landlords affirmed that they did not know the details of the claim that was being brought against them.

The evidence on file supports that these parties have been before dispute resolution in the past. Furthermore, the Tenants confirmed receipt of the Notice of Dispute Resolution Hearing letter which stipulates as follows:

1. *Evidence to support your position is important and must be given to the other part and to the Residential Tenancy Branch before the hearing.*

Based on the foregoing, I find the applicants ought to have known of the requirements to inform the other party of the details of their claim. Therefore, I find this application does not meet the requirements of section 59(2) of the Act and I decline to accept this application.

Conclusion

I HEREBY refuse to accept this application and it is therefore dismissed.

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: May 24, 2013

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Residential Tenancy Branch

