



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Gardenia Investments Ltd.
and [tenant name suppressed to protect privacy]

DECISION

<u>Dispute Codes</u>	For the tenants:	MNSD, MNDC, DRI, FF
	For the landlords:	MNR, MNSD, FF

Introduction, Preliminary and Procedural Matters

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, a monetary order for a return of their security deposit, to dispute an additional rent increase, and for recovery of the filing fee.

The landlords applied for a monetary order for unpaid rent, for authority to retain the tenants’ security deposit and for recovery of the filing fee.

The tenants filed their application for dispute resolution originally on July 25, 2013, listing a monetary claim of \$11,945; the tenants filed an amendment to their original application on September 16, 2013, without ever providing a detailed calculation or breakdown of their monetary claim until it was included in their latest evidentiary submission filed at the Residential Tenancy Branch (“RTB”) on October 24, 2013, which is 3 business days prior to the dispute resolution hearing.

As well, the tenants’ extensive documentary evidentiary submission, contained in a binder, was received by the RTB on October 22, 2013.

The tenants filed no documentary evidence with their application, or any documentary evidence until the October 22, 2013, submission, as I confirmed with the tenants.

As to the landlord’s application for dispute resolution, their application for dispute resolution for monetary compensation was filed on August 6, 2013, and did not include any documentary evidence and an unclear estimate as to the monetary claim; however, a separate detailed calculation was not provided.

The landlord’s first and only evidentiary submission, also an extensive amount of documents and photos, was delivered on October 21, 2013, as I confirmed with the landlords.

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*.

The tenants and the landlords were also advised that their respective applications were being refused due to both parties' failure to comply with the Dispute Resolution Rules of Procedure (Rules), specifically sections 3.1 and 3.4, which states that the applicant, in this case, both parties, **must** file with their application the details of any monetary claim and all evidence available to the applicants at the time the application is filed.

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 or any documentary evidence until an extensive amount from both parties was received the week before the hearing, makes it difficult, if not impossible, for each party to adequately prepare a timely response to the claims.

The parties are at liberty to re-apply for their monetary claims as a result, but are reminded to include full particulars of their monetary claim when submitting their application, and is encouraged to use the "Monetary Worksheet" form located on the Residential Tenancy Branch website; www.rto.gov.bc.ca.

I do not grant either party the recovery of their filing fee.

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: October 30, 2013

Residential Tenancy Branch

