



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND MNR MNSD MNDC O FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed on July 31, 2013, amended August 12, 2013, and amended October 31, 2013 by the Landlords. The Landlords filed to obtain a Monetary Order for: damage to the unit, site or property; for unpaid rent or utilities; to keep the security deposit; for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement; for other reasons, and to recover the cost of the filing fee from the Tenants for this application.

The parties appeared at the teleconference hearing and gave affirmed testimony.

Issue(s) to be Decided

Does this application meet the requirements of section 59 of the Act?

Background and Evidence

At the outset of this proceeding the Landlords affirmed they served the male Tenant with their October 31, 2013 amended application with all of their photographic evidence and receipts in person on October 31, 2013.

The Tenant affirmed that at the time he was required to compile and serve his responding evidence he had not received any evidence that would indicate the details of the Landlords' claim. He indicated that he saw they were seeking money so he could only respond to what the paragraph that was written in the details of the dispute.

The Landlords confirmed they did not provide a detail listing of the amounts being claimed. Rather, they simply provided various, loose, receipts and invoices and planned to itemize their claim during the hearing.

Analysis

Section 59(2) of the Act stipulates that an application for dispute resolution must be in the applicable form and must include full particulars of the dispute that is to be the subject of the dispute resolution proceedings.

The *Residential Tenancy Branch* provides information and fact sheets detailing how a claim and evidence must be compiled and served upon each party. A Monetary Order worksheet and instructions on how to serve electronic evidence are amongst those publications.

Section 59 (5)(c) of the Act states that the director may refuse to accept an application for dispute resolution if the application does not comply with subsection (2).

In this case the Landlords did not submit an itemized list or a monetary order worksheet which outlines the details of their monetary claim. The Tenant appeared and indicated he was not aware of the specific items being claimed against him. Therefore, I find this application does not meet the requirements set out in section 59(2)(b) of the Act, and the application is dismissed, with leave to reapply.

Conclusion

I HEREBY DISMISS the Landlords' claim, 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: November 12, 2013

Residential Tenancy Branch

