



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the landlord: MND MNSD MNDC FF SS

For the tenant: MNDC OLC OPT RR FF

Introduction and Preliminary 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 landlord applied for a monetary order for damage to the unit, site or property, to keep all or part of the security deposit or pet damage deposit, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, to serve documents or evidence in a different way than required by the *Act*, and to recover the filing fee.

The tenant applied to obtain an order of possession of the rental unit or site, for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, for an order directing the landlord to comply with the *Act*, regulation or tenancy agreement, and to recover the filing fee.

The landlord and tenant attended the hearing. At the outset of the hearing the tenant confirmed that he did not serve the landlord with his application for dispute resolution. Both parties have the right to a fair hearing. The landlord would not be aware of the tenant’s application for dispute resolution without being served with the tenant’s application. As a result, **I dismiss** the tenant’s application **with leave to reapply**, due to the tenant failing to serve the landlord with the tenant’s application for dispute resolution. The tenant is at liberty to reapply but is reminded to serve the landlord with his application and evidence in accordance with the Rules of Procedure.

Regarding the landlord's application, the tenant confirmed during the hearing that he was not sure how the landlord came to the amount being claimed in the landlord's application. As a result, the landlord was advised during the hearing that her application was being refused, pursuant to section 59(5)(c) of the *Act* because the landlord's application for dispute resolution did not provide sufficient particulars of their monetary claim for compensation, as is required by section 59(2)(b) of the *Act*. The landlord is at **liberty to re-apply** as a result, but is reminded to include full and clear particulars of their claim when submitting their application in the "Details of Dispute" section of the application, and is encouraged to use the "Monetary Worksheet" form located on the Residential Tenancy Branch website; www.rto.gov.bc.ca. The amount listed on the monetary worksheet being claimed should also match the monetary amount being claimed on the application.

Given the above, I **do not** grant the recovery of the filing fee for either party.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: January 8, 2014

Residential Tenancy Branch

