



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD MNR MNDC MND FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed on November 18, 2013, by the Landlords to obtain a Monetary Order for \$1,646.00.

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

- 1) Have the Landlords included the full particulars of their claim on their application, in accordance with section 59 of the *Residential Tenancy Act*?
- 2) Have the Landlords served the Tenant and the *Residential Tenancy Branch* with their Application for Dispute Resolution and their evidence?

Background and Evidence

At the outset of the hearing the Tenant testified that he received a Notice of Dispute Resolution Hearing, a Monetary Order worksheet, and a copy of the fact sheet but he did not receive a copy of the Landlord's Application for Dispute Resolution.

The Landlord testified that she had printed the required documents off of the internet and could not say for certain if that included a copy of her application. Upon review of the file before me I noted that the only evidence received on file was a C.D. containing photos, and an incomplete Application for Dispute Resolution. The Application was incomplete because there was no information in the Details of Dispute and there were no additional papers attached to the application which could have explained the details of the Landlords' claim.

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 details of their dispute with their application and the Tenant appeared and indicated he was not served a copy of the Landlords' application.

To find in favour of an application for a monetary claim, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice and full details of the claim to be able to defend their rights. 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: March 14, 2014

Residential Tenancy Branch

