



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MND, MNDC, FF

### Introduction, Preliminary and Procedural Matters

This hearing was convened as a result of the landlords' application for dispute resolution seeking remedy under the Residential Tenancy Act (the "Act"). The landlord applied for a monetary order for money owed or compensation for damage or loss, alleged damage to the rental unit and unpaid rent, and for recovery of the filing fee.

The landlord attended the telephone conference call hearing; the tenant did not appear.

The landlord testified that she served the tenant with their application and Notice of Hearing via registered mail on December 23, 2013; additionally the landlord provided the registered mail receipt, showing the tracking number, and the tracking number history from the Canada Post website.

Based upon the submissions of the landlord, I find the tenant was served the landlord's application and Notice of Hearing as required by section 89(1) of the Act.

The landlords' monetary claim listed in their application was \$13,121. The details of the dispute portion of the landlord's application did not provide an itemized listing of the monetary claim, rather an explanation was provided, nor did the landlord identify the claim or provide a detailed calculation.

The landlords' documentary evidence included a Notice of Claim from the Provincial Court of British Columbia, showing a claim for \$13,121.

### Analysis and Conclusion

It is my decision to refuse the landlords' application for dispute resolution requesting monetary compensation, 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*.

In reaching this conclusion, I was further influenced by the landlords attempting to explain their monetary claim through their documentary evidence, instead of their application, as required.

I find that proceeding with the landlords' monetary claim at this hearing would be prejudicial to the tenant, as the absence of particulars in their application makes it difficult, if not impossible, for the tenant to adequately prepare a response to the claims.

The landlords 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 are encouraged to use the "Monetary Worksheet" form located on the Residential Tenancy Branch website, [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca).

I make no findings on the merits of the landlords' 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 applicant and the respondent.

Dated: April 03, 2014

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Residential Tenancy Branch

