



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Peninsula Property Management  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDC, RR, FF

### Introduction, Preliminary and Procedural Matters

This hearing was convened as a result of the tenants' application 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, for an order allowing a reduction in rent, and for recovery of the filing fee.

The tenants filed their application for dispute resolution on January 30, 2014, listing a monetary claim of \$25,000, which did not include a detailed calculation or breakdown explaining how the tenants arrived at the amount of the claim. Additionally, the tenants did not file any documentary evidence with their application; rather, on May 5, 2014, the week prior to the hearing, the tenants submitted a substantial amount of documentary and digital evidence, including two folders containing 324 loose, unnumbered pages, a photo album and a USB port, which mentions 324 pages and 75 photos. Included with the tenants' documentary evidence was a monetary order worksheet listing a monetary claim of \$29,906.24.

### Analysis and Conclusion

The tenants were advised that their application for dispute resolution requesting monetary compensation was being refused, pursuant to section 59 (5)(a) of the *Residential Tenancy Act* and 3.1(c) of the Dispute Resolution Rules of Procedure (Rules), because their application for dispute resolution did not provide sufficient particulars or details of their claim for compensation, as is required by section 59(2)(b) of the *Act*.

The tenants were also advised that they failed to comply with the Rules, specifically section 3.4, which states that the applicant, the tenants in this case, ***must*** file with their application all evidence available to the applicants at the time the application is filed, and if not at available at the time of filing, as soon as the evidence becomes available.

I find that proceeding with the tenants' monetary claim at this hearing would be prejudicial to the respondent, as the absence of particulars or any documentary evidence until an extensive amount was received the week before the hearing, makes it difficult, if not impossible, for the respondent to adequately prepare a timely response to the claims.

The tenants are also invited to become familiar with section 11.8 of the Rules, which relates to digital evidence.

The tenants 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, as well as all available evidence, 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).

The amount listed on the monetary worksheet being claimed should also match the monetary amount being claimed on the application. The tenants are advised that, pursuant to section 58(2) of the Act, the Residential Tenancy Branch may not determine disputes in excess of the monetary limit for claims under the Small Claims Act, at present, \$25,000.

I make no findings on the merits of the tenants' application for dispute resolution. Leave to reapply is not an extension of any applicable limitation period.

Given the above, I do not grant the tenants recovery of their filing fee.

I must also note that in refusing to hear the tenants' application, their request for a reduction in ongoing rent was not applicable as the tenancy had ended prior to the filing of their application, as stated in the tenants' application.

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 and the respondent.

Dated: May 15, 2014

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Residential Tenancy Branch

