



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction, Preliminary and Procedural Matters

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking a monetary order for money owed or compensation for damage or loss and for recovery of the filing fee.

The tenant attended the teleconference hearing; the landlord did not attend.

The tenant testified that she served her Notice of Hearing and application for dispute resolution to the landlord leaving the documents with the landlord on January 17, 2014.

I find the tenant served the landlord as required under section 89(1) of the Act.

The tenant's monetary claim listed in her application was \$3750. The details of the dispute portion of the landlord's application did not provide an itemized listing of the monetary claim.

In response to my question, the tenant advised that she understood that she would have to re-submit her claim as there was not a detailed calculation of the claim.

The tenant also wanted to address her request that the landlord provide receipts for her rent payments, for which he was previously ordered and failed to do so.

Analysis and Conclusion

The tenant was advised that her application for dispute resolution requesting monetary compensation was being refused, pursuant to section 59 (5)(a) of the *Residential Tenancy Act*, because her application for dispute resolution did not provide sufficient particulars of her claim for compensation, as is required by section 59(2)(b) of the *Act*.

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

Additionally, I was not able to make any determination as to the tenant's request for the rent receipts as it appears that this request was included with her claim for monetary compensation as the landlord remains so ordered to provide rent receipts to the tenant, if previously ordered. The tenant, however, did not provide a copy of the Decision from a previous dispute resolution hearing.

The tenant is at liberty to re-apply for her monetary claims as a result, but is reminded to include full particulars of her monetary claim when submitting her application, and is encouraged to use the "Monetary Worksheet" form located on the Residential Tenancy Branch website, www.rto.gov.bc.ca.

I make no findings on the merits of the tenant's 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: May 2, 2014

Residential Tenancy Branch

