



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the tenants: MNDC RR FF
For the landlords: MND MNDC FF

Introduction

This hearing was convened as a result of the cross applications of the parties under the *Residential Tenancy Act* (the “Act”).

The tenants applied for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, to allow the tenants to reduce rent for repairs, services or facilities agreed upon but not provided, and for the recovery of the filing fee.

The landlords applied for a monetary order for damage to the unit, site or property, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and for the recovery of the filing fee.

The tenants and the landlords attended the hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

Preliminary and Procedural Matters

At the outset of the hearing, the parties were advised that the tenants’ application for monetary compensation was being refused, pursuant to section 59(5)(c) of the *Residential Tenancy Act* (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*.

I find that proceeding with the tenants' monetary claim at this hearing would be prejudicial to the landlords, as the absence of particulars that set out how the tenants arrived at the amount of \$7,840.87 makes it difficult, if not impossible, for the landlords to adequately prepare a response to the tenants' claim. The tenants' failed to specify a detailed breakdown of their monetary claim including the amount of each item and what each item being claimed represents.

The tenants are at liberty to reapply, however, are reminded to provide a detailed breakdown of their monetary claim and are encouraged to use the Monetary Order Worksheet (Form RTB-37) available at www.rto.gov.bc.ca when submitting a monetary claim. The tenants may include any additional pages to set out the details of their dispute in their application, as required.

Regarding the landlords' application, as the tenants continue to occupy the rental unit and the tenancy has not ended as of the date of the hearing, I find the landlords' application for damages to be premature. Furthermore, the landlords testified that the work being claimed for has not been completed, which also supports that the landlords' claim is premature. Given the above, the landlords' are at liberty to reapply.

Conclusion

The tenants' application has been refused pursuant to sections 59(5)(c) and 59(2)(b) of the *Act*. The tenants are at liberty to reapply.

The landlords' application is premature. The landlords are at liberty to reapply.

I note that this decision does not extend any applicable time limits under the *Act*. I do not grant either party the recovery of their filing fee.

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: May 16, 2014

