



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

<u>Dispute Codes</u>	For the landlord:	MND, MNR, MNDC, FF
	For the tenants:	MNR, MNDC, FF

### Introduction, Preliminary and Procedural Matters

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

The landlord applied for a monetary order for money owed or compensation for damage or loss, alleged unpaid rent and alleged damage to the rental unit, and for recovery of the filing fee paid for this application.

The tenants applied for a monetary order for money owed or compensation for damage or loss, a monetary order for the cost of emergency repairs, and for recovery of the filing fee paid for this application.

The landlord filed her application for dispute resolution on May 20, 2014, listing a monetary claim of \$8000, without ever providing a detailed calculation or breakdown of her monetary claim. Additionally the landlord’s documentary evidence in support of her application was not filed with the Residential Tenancy Branch (“RTB”) until July 3, 2014.

The tenants did not file their application for dispute resolution for monetary compensation until September 15, 2014, and their application did not include any documentary evidence or detailed calculation or breakdown of their monetary claim.

The tenants did file documentary evidence, but they referenced and it was filed in relation and response to the landlord’s application.

### Analysis and Conclusion

The landlord and the tenants were advised that their respective applications for dispute resolution requesting monetary compensation were being refused, 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*.

The tenants and the landlords were also advised that their respective applications were being refused due to both parties' failure to comply with the Dispute Resolution Rules of Procedure (Rules), specifically section 2.5, which states that the applicant, in this case, both parties, **must** file with their application the details of any monetary claim and all evidence available to the applicants at the time the application is filed.

I find that proceeding with the landlord's and the tenants' respective monetary claims at this hearing would be prejudicial to the respective respondents, as the absence of particulars or any documentary evidence until an extensive amount from both parties was received either well after the landlord's original application and in the tenants' case, the week before the hearing, makes it difficult, if not impossible, for each party to adequately prepare a timely response to the claims.

The parties 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 do not grant either party the recovery of their filing fee.

I make no findings on the merits of either 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/landlord and the applicants/tenants.

Dated: September 23, 2014

---

Residential Tenancy Branch

