



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNR, RP, RR, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant for a monetary order for the cost of emergency repairs, for money owed or compensation for damage or loss under the Act, to have the landlord make repairs for health and safety reasons, to allow a tenant to reduce rent for repairs, services or facilities agreed upon but not provided and to recover the cost of the filing fee from the landlord

Both parties appeared.

### Preliminary matter

At the outset of the hearing the male tenant asked to amend their application for dispute resolution to correct the spelling of his first name. I granted the tenants request and amended the spelling of the male tenant's first name.

At the outset of the hearing the landlord's agent stated that he is not sure what the particulars are for the tenants' application for dispute resolution that is subject for today's hearing as the tenants have not provided sufficient details in their application. The landlord stated that he has no idea why the tenants think they are entitled to the monetary order as requested.

In this case, the tenants have provided extensive documentary evidence that was submitted in support of their claim. However, under section 59(2) of the Act the application for dispute resolution must include full particulars of the dispute that is to be the subject of the dispute resolution proceedings; this would include a detailed calculation of the amount claimed when seeking a monetary order.

As the tenants have not provided details of the dispute in their application and have not provided a monetary worksheet. I find the tenant have failed to comply with section 59(2) of the Act. Further the principles of natural justice require that a person be informed and given particulars of the claim against them. Therefore, I dismiss the tenants' application with leave to reapply.

At the conclusion of the hearing the parties agreed to settle one matter as follows:

- 1) The landlord agreed to attend to the rental premises no later than October 22, 2014 to secure the wood lid on the septic tank.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

Conclusion

The tenant's application is dismissed with leave to reapply.

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*.

Dated: October 15, 2014

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Residential Tenancy Branch

