



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNDC, FF

### Introduction, Preliminary and Procedural Matters

This hearing was convened as the result of the tenants' application for dispute resolution under the Residential Tenancy Act ("Act"). The tenants applied for a monetary order for the cost of emergency repairs, a monetary order for money owed or compensation for damage or loss, and for recovery of the filing fee paid for this application.

The tenants filed their application for dispute resolution originally on November 28, 2014, listing a monetary claim of \$16,390.00; however, the applicants failed to provide a detailed calculation or breakdown of their monetary claim. Additionally, the tenants' extensive documentary and photographic evidentiary submission was received by the Residential Tenancy Branch ("RTB") on May 25, 2015.

In response to my question, the tenants submitted that they did not provide their evidence, all of which contained dates prior to the date the application was filed, as they were not able to print the documents or locate the photographs until shortly before the hearing.

The landlord additionally submitted that they did not understand the breakdown of the tenants' monetary claim.

### 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 Act, because their application did not provide sufficient particulars of their claim for compensation, as is required by section 59(2)(b) of the *Act*.

The tenants were also advised that their application was being refused due to their failure to comply with the Dispute Resolution Rules of Procedure (Rules), specifically section 2.5, which states that the applicant 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 tenants' monetary claim at this hearing would be prejudicial to the respondent, as the absence of particulars or any documentary or photographic evidence until received two weeks prior the hearing, makes it difficult, if not impossible, for the respondent to adequately prepare a timely response to the claim.

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, and is 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 the tenants recovery of their filing fee.

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.

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: June 10, 2015

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Residential Tenancy Branch

