



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNR, FF

### Introduction, Preliminary and Procedural Matters

This hearing was convened as a result of the landlord's application for dispute resolution under the Residential Tenancy Act ("Act"). The landlord applied for a monetary order for unpaid rent and for recovery of the filing fee paid for this application.

The landlord filed his application for dispute resolution originally on December 8, 2014, listing a monetary claim of \$7500.00. There were no listed details of the dispute or a breakdown of the monetary claim on the online application before me. Additionally, the landlord did not submit his documentary evidence in support of his application until on or about March 9, 2015.

The landlord submitted that he had a handwritten application before him which gave the breakdown; however, I did not have that document before me and the tenant submitted that he received from the landlord a letter for the notice of this hearing, not the application or the evidence.

### Analysis and Conclusion

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

The landlord is also advised that his application is being refused due to failure to comply with the Dispute Resolution Rules of Procedure (Rules), specifically section 2.5, which states that an 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 landlord's monetary claim at this hearing would be prejudicial to the respondent, as the absence of particulars or any attached documentary evidence, makes it difficult, if not impossible, for the respondent to adequately prepare a timely response to the claims.

The landlord is at liberty to re-apply for his monetary claims as a result, but is reminded to include full particulars of his monetary claim and all available evidence to serve in

one package when submitting his 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 landlord recovery of his filing fee.

I make no findings on the merits of the 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: July 16, 2015

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Residential Tenancy Branch

