



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MND, 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 (the "Act"). The landlord applied for an order of possession for the rental unit pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice"), a monetary order for unpaid rent and damage to the rental unit by the tenant, and for recovery of the filing fee paid for this application.

As to the landlord's request for an order of possession for the rental unit, it appears this may have been in error, as the evidence at the hearing showed that the tenancy ended prior to the landlord's application being made. I have therefore excluded this portion of the landlord's application.

As to the remaining portion of the landlord's application, the landlord listed a monetary claim of approximately \$3500.00; however, the application did not provide a detailed or any calculation of the claim. In addition, the landlord did not submit documentary or photographic evidence with his application, although this evidence was submitted the month following the landlord's application of April 9, 2015. The landlord confirmed that he had not sent his evidence to the tenant.

Analysis and Conclusion

I refuse to hear the landlord's application, pursuant to section 59 (5)(c) of the Act, because his application for dispute resolution did not provide sufficient particulars of his claim for compensation, as is required by section 59(2)(b) of the Act.

The landlord's application was also refused due to his 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. This section contemplates that the application and all evidence is served on the other party in a single package.

I find that proceeding with the landlord's monetary claim at this hearing would be prejudicial and procedurally unfair to the respondent, as the absence of particulars or

evidence makes it difficult, if not impossible, for the respondent to adequately prepare a timely response to the claim.

The landlord is at liberty to re-apply for his monetary claim as a result, but is reminded to include full particulars of his monetary claim when submitting his application and is encouraged to use the "Monetary Worksheet" form (form RTB-37) located on the Residential Tenancy Branch website; www.rto.gov.bc.ca.

I make no findings on the merit of the landlord's application for dispute resolution. Leave to reapply is not an extension of any applicable limitation period.

During the hearing, the landlord was encouraged to speak with an information officer with the RTB for any future questions or concerns regarding the dispute resolution process under the Act. The contact information is included with this Decision.

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: September 17, 2015

Residential Tenancy Branch

