



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for compensation for loss pursuant to section 67;
- authorization to recover the filing fee for this application pursuant to section 72.

The hearing was conducted by conference call. All named parties attended the hearing.

Preliminary Issue: Particulars of Tenant's Application and evidence package

Pursuant to paragraph 59(2)(b), an application of dispute resolution must include the full particulars of the dispute that is to be the subject of the dispute resolution proceedings.

On September 8, 2015 a decision was issued by the Residential Tenancy Branch following a hearing on this same date with respect to the tenant's application for various remedies under the Act. That application included an application by the tenant for a monetary order for compensation for loss. In this previous decision, the Arbitrator dismissed the tenant's application in its entirety with leave to reapply as the tenant's application did not comply with section 59(2) of the Act. The Arbitrator found the tenant failed to provide the full particulars of the dispute including a monetary order worksheet with a detailed calculation of the monetary aspect of the claim.

The tenant's application was resubmitted on October 24, 2016 and aside from the application form itself, the only evidence on file from the tenant is a copy of the September 8, 2015 decision and a USB stick containing a large number of pictures.

The tenant submits that a 15-20 pages evidence package was submitted in person to the Branch on October 25, 2016 at the same time as the USB evidence. The tenant submits that this evidence package included the particulars of the dispute including a monetary order worksheet.

The tenant also submits that a copy of the 15-20 pages evidence package was delivered in person to the landlord's agent on October 26, 2016.

The landlord acknowledged receiving the USB evidence but did not acknowledge receiving the additional 15-20 pages evidence package.

A review of the case management file notes indicates that on October 26, 2016 only one USB stick was received by the Branch from the tenant. The file notes do not reference any additional evidence.

I find the tenant's application does not comply with section 59(2) of the Act as it does not include the full particulars of the dispute. Therefore, I dismiss the tenant's application with leave to reapply.

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: January 17, 2017

Residential Tenancy Branch