



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC

Introduction:

This hearing was convened in response to an Application for Dispute Resolution filed by the Tenant.

On December 07, 2016 the Tenant applied for an Order of Possession for the rental unit; an Order requiring the Landlord to provide her with access to the rental unit; and a monetary Order for \$25,000.00. On December 09, 2016 the Tenant amended her Application for Dispute Resolution by removing her application for an Order of Possession for the rental unit and for an Order requiring the Landlord to provide her with access to the rental unit.

The Tenant stated that on December 07, 2016 she personally served the Landlord with the Application for Dispute Resolution and the Notice of Hearing. In the absence of evidence to the contrary I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*; however the Landlord did not appear at the hearing.

The Tenant stated that she did not submit any evidence to support her claim for \$25,000.00.

Issue(s) to be Decided:

Is the Tenant entitled to a monetary Order?

Background and Evidence:

At the outset of the hearing the Tenant was directed to explain how the Landlord would understand, on the basis of the Application for Dispute Resolution, why the Tenant is claiming compensation of \$25,000.00. The Tenant stated that she did not have her Application for Dispute Resolution with her so she was unable to explain how the Landlord would understand the details of her claim.

The information contained in the “Details of the Dispute” section of the Application for Dispute Resolution was read to the Tenant at the hearing. After reading this entry I informed the Tenant that I did not believe these details adequately informed the Landlord of the nature of her monetary claim. She stated that she has given the Landlord many letters in the past which outline her concerns with the tenancy.

The Tenant did not submit a Monetary Order Worksheet or any other document that explains her application for \$25,000.00.

Analysis:

Section 59(2)(b) of the *Act* stipulates that an Application for Dispute Resolution must include full particulars of the dispute that is to be the subject of the dispute resolution proceedings. I find that the Tenant’s application for a monetary Order of \$25,000.00 does not provide full details of the Landlord’s dispute. In reaching this conclusion I was heavily influenced by the fact the Tenant provided no details of the monetary claim in the Application for Dispute Resolution; she did not provide a Monetary Order Worksheet; and she did not submit any documents that explain why she is seeking compensation.

On the basis of the information provided on the Application for Dispute Resolution I find that it would be difficult, if not impossible, for the Landlord to respond to the claim for \$25,000.00. I therefore dismiss the Application for Dispute Resolution, with leave to reapply.

Conclusion:

The Application for Dispute Resolution 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: June 14, 2017

Residential Tenancy Branch