



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNSD OLC FF

Introduction

This hearing was convened as a result of the tenants' Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act"). The tenants applied for a monetary order in the amount of \$2,804.85 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for the return of their security deposit and/or pet damage deposit, for an order directing the landlords to comply with the Act, regulation or tenancy agreement, and to recover the cost of the filing fee.

The landlords and the tenants appeared at the teleconference hearing. The parties had the hearing process explained to them and were affirmed. The parties were also provided an opportunity to ask questions about the hearing process.

Preliminary and Procedural Matter

At the outset of the hearing, the landlords were asked if they understood what the tenants' application was for to which the landlords indicated they did not. The parties were advised that I had the same concerns as the amount claimed did not match the amounts in the details of dispute, which also did not match the total described in the tenants' documentary evidence. As a result, the parties were advised that the tenants' Application was being refused, pursuant to section 59(5)(c) of the *Residential Tenancy Act* (Act), because the tenants' Application did not provide sufficient particulars of their claim for compensation, as is required by section 59(2)(b) of the Act and Rule 2.5 of the Rules of Procedure.

I find that proceeding with the tenants' monetary claim at this hearing would be prejudicial to the landlords, as the absence of consistent monetary particulars that set

out how the tenants arrived at the amount being claimed makes it difficult, if not impossible, for the landlords to adequately prepare a response to the tenants' claim.

Both parties have the right to a fair hearing and the respondents are entitled to know the full particulars of the claim made against them at the time the applicants submit their application. Given the above, the tenants are granted liberty to reapply but are reminded to provide full particulars of their monetary claim and to ensure those amounts are consistent between the amount claimed, the details of dispute and the documentary evidence. The tenants may include any additional pages to set out the details of their dispute in their application, as required.

Conclusion

The tenants' application has been refused pursuant to sections 59(5)(c) and 59(2)(b) of the *Act*. The tenants are at liberty to reapply for their monetary claim, however, are encouraged to provide a detailed breakdown of any future monetary claim at the time an application is submitted.

I do not grant the recovery of the cost of the filing fee.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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 10, 2018

Residential Tenancy Branch