



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes

OLC ERP AAT PSF RP FF

### Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A participatory hearing, via teleconference, was held on January 16, 2018. The Tenant applied for multiple remedies pursuant to the *Residential Tenancy Act* (the "Act").

Both sides were represented at the hearing. All parties provided affirmed testimony and were given a full opportunity to be heard, to present evidence and to make submissions.

At the beginning of the hearing I discussed service of various documents, including the application package, notice of hearing, and evidence. The Tenant applied for this hearing at the end of October 2017. The Notice of Hearing was made available by our office on November 1, 2017, so that it could be served to the respondent within 3 days, pursuant to Section 59(3) of the *Act*. The respondent/Agent testified that he only got the first two pages of the Notice of Hearing (out of 5 total) and did not get the full 5 pages until December 7, 2017, when he called into our office. Until December 7, 2017, the Agent stated that he did not know what the claim was for, or how to submit evidence, since this information was on the last 3 pages of the 5 page Notice of Hearing document. The Tenant stated she does not remember it being this way, and she thought she served the whole Notice of Hearing package in the first place.

In any event, the Tenant testified that she sent her evidence to the Agent by mail on December 28, 2017. The Agent testified that he got it on January 2, 2018. I note that this package consisted of 234 pages of evidence, including a monetary order worksheet, and lots of evidence to support her monetary claim. However, I find it important to note that the Tenant did not apply for monetary compensation in her application.

In essence, the original application brought before me, and provided to the Agent, did not contain a claim for monetary compensation, which the Tenant has now tried to inject into the proceedings a matter of days before the hearing. The Tenant has tried to have all of these issues addressed under her initial application. However, I find this is problematic and prejudicial to the Agent, and his ability to respond, because the Tenant has not properly disclosed the

nature of her dispute. Also, the Agent stated he had a difficult time deciphering the evidence and whether it related to the Tenant's attempted monetary claim, or whether it related to the issues on her initial application. I turn to the following portion of the Act:

*Director's authority respecting dispute resolution proceedings*

**62** (4) *The director may dismiss all or part of an application for dispute resolution if*

*(a) there are no reasonable grounds for the application or part,*

***(b) the application or part does not disclose a dispute that may be determined under this Part, or***

*(c) the application or part is frivolous or an abuse of the dispute resolution process.*

Ultimately, I find the manner in which the Tenant applied for this claim (not properly disclosing all of her dispute up front) has prejudiced the Agent and his ability to respond. In consideration of all of this, I dismiss the Tenant's application in full, with leave to reapply.

I encourage the Tenant to clearly identify the details of her dispute, under the appropriate grounds at the outset of her application. I encourage both parties to keep evidence clear, and organized, and to serve it in accordance with the *Act* and the rules of procedure.

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 16, 2018

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Residential Tenancy Branch