



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNDC, MNR, MNSD, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlords for a monetary order for loss of rent, for damages to rent unit, to retain the security deposit in partial satisfaction of the claim and to recover the filing fee.

Both parties appeared, gave affirmed testimony, and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

### Preliminary matter

Section 59 (2) of the Act states an application for dispute resolution must include full particulars of the dispute that is to be the subject of the dispute resolution proceedings, as the principles of natural justice require that a person be informed and given particulars of the claim against them.

In this matter the landlords filed their application on July 14, 2017, claiming the amount of \$13,695.00. The detail of their claim is very brief as it is not even four lines. On January 11, 2018, the landlords filed their evidence in support of their application which included a detail monetary calculation. The landlords sent a package of their evidence to the tenants on January 9, 2018, which has not yet been received by the tenants.

I find the landlords did not comply with section 59 of the Act or the Rules of Procedures as all evidence available to them was required to be filed with their application.

Based on the above, I find it appropriate to dismiss the landlords' application with leave to reapply. This does not extend any statutory deadlines established under the Act.

Conclusion

The landlords' application is dismissed with leave to reapply. This does not extend any statutory deadlines.

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 18, 2018

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Residential Tenancy Branch