



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CH PROPERTY HOLDING
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act"). The tenant's applied for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement.

The tenant and an agent for the landlord ("agent") attended 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 Matters

At the outset of the hearing, both parties confirmed they failed to serve their documentary evidence on the other party even though the Notice of Dispute Resolution Hearing document provides those details as does the Residential Tenancy Rules of Procedure ("rules"). In addition, the tenant was advised that her monetary amount claimed does not match the monetary order worksheet that was only served on the Residential Tenancy Branch ("RTB"). As a result, the tenant was advised that the tenant's application was being refused, pursuant to section 59(5)(c) of the *Residential Tenancy Act* (*Act*), because the tenant's 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.

I find that proceeding with the tenant's monetary claim at this hearing would be prejudicial to the landlord. In reaching this finding I note that the lack of being served with a monetary order worksheet that sets out how the tenant arrived at the monetary amount being claimed makes it difficult, if not impossible, for the landlord to adequately prepare a response to the tenant's claim.

Both parties have the right to a fair hearing and the respondent is entitled to know the full particulars of the claim made against them at the time the applicant submits their application, not at the hearing itself. Given the above, the tenant is granted liberty to reapply but is 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 tenant may include any additional pages to set out the details of their dispute in their application, as required.

Conclusion

The tenant's application has been refused pursuant to sections 59(5)(c) and 59(2)(b) of the *Act*. The tenant is at liberty to reapply for their monetary claim; however, is encouraged to provide a detailed breakdown of any future monetary claim at the time an application is submitted and to ensure it is consistent with supporting documentary evidence. The parties are also reminded in the future to properly serve the other party when serving the RTB with documentary and/or digital evidence and to keep in mind the rules address service of both documentary and digital evidence.

The parties confirmed their email addresses during the hearing and were advised that this decision would be sent to both parties by email accordingly.

This decision does not extend any applicable timelines under the *Act*.

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: June 21, 2018

Residential Tenancy Branch