



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, MNSD, FFT

Introduction

This hearing was scheduled in response to the tenants' application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for damage or compensation under the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement pursuant to section 67;
- authorization to obtain a return of all or a portion of the security deposit pursuant to section 38; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenants and landlords attended the hearing with their respective assistants. Each party was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Issue – Tenants' Application

At the outset of the hearing the landlords confirmed receipt of the tenants' application but testified the package did not contain a monetary order worksheet explaining the monetary claim. The tenants confirmed they did not provide the monetary order worksheet and other supporting documents they provided to the Residential Tenancy Branch, to the landlords.

Section 59 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. The purpose of this provision is to provide the responding party with enough information to know the applicant's case so that the respondent might defend him or herself. Although the landlords attended the hearing and provided documentary evidence of their own, I find the absence of the monetary order worksheet and supporting documents unfairly prejudices the landlords. Based on the parties' testimony

and pursuant to section 59, I dismiss the tenants' application with leave to reapply. Leave to reapply does not constitute an extension of any applicable time limit.

Conclusion

The tenants' entire application 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: January 28, 2019

Residential Tenancy Branch