



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DEVON PROPERTIES and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes RR FFT

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 applied for a monetary order in the amount of \$18,814.00 a rent reduction and to recover the cost of the filing fee.

The tenant, an agent for the tenant ("agent") and legal counsel for the landlord ("counsel") 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, the parties were advised that the tenant's application was being refused, pursuant to section 59(5)(c) of the *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 Residential Tenancy Branch ("RTB") Rules of Procedure ("Rules").

Specifically, the tenant failed to provide a breakdown for the \$18,814.00 amount claimed at the time the tenant applied or before the 14 day deadline under the Rules to submit evidence expired. I find that proceeding with the tenant's claim at this hearing would be prejudicial to the landlord, as the absence of particulars that set out how the tenant arrived at the amounts being claimed makes it difficult, if not impossible, for the landlord to adequately prepare a response to the tenant's claim. I note the tenant applied on January 2, 2019, which provided significant time for the tenant to comply with Rule 2.5, however, the tenant failed to do so.

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. Given the above, the tenant is granted liberty to reapply but is reminded to provide full particulars of their monetary claim. The tenant may include any additional pages to set out the details of their dispute in their application, as required.

In addition to the above, as both parties provided email addresses, the parties will receive this decision by email at the email addresses confirmed during the hearing.

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 in accordance with Rule 2.5 of the RTB Rules.

I do not grant the tenant the recovery of the cost of the filing fee due to the tenant's failure to comply with Rule 2.5 of the RTB Rules.

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: February 21, 2019

Residential Tenancy Branch