



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, FFT

Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed on February 5, 2019, wherein the Tenants sought an Order pursuant to section 62(3) of the *Act* that the Landlord comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, and/or the residential tenancy agreement as well as recovery of the filing fee.

The hearing was scheduled for 11:00 a.m. on March 21, 2019. Both parties called into the hearing.

At the outset of the hearing the Tenant, L.S., confirmed that they did not move into the rental unit which was the subject of this proceeding. She further confirmed that they were not seeking an order of possession of the rental unit or that the tenancy be reinstated. L.S. stated that the purpose of their application was to obtain monetary compensation from the Landlord for the difference in rent they paid for the rental unit which they moved to after the Landlord refused them access to the subject rental unit as well as the increased travel costs to their current residence.

While the Tenants submitted evidence which may support a monetary claim, the Tenants failed to indicate on their application that they sought monetary compensation from the Landlord.

Hearings before the Residential Tenancy Branch are governed by the *Residential Tenancy Branch Rules of Procedure* and the Principles of Natural Justice. *Rule 2.2* provides as follows:

2.2 Identifying issues on the Application for Dispute Resolution

The claim is limited to what is stated in the application.

One of the Principles of Natural Justice is that a party to a dispute has the right to know the claim against them, the opportunity to review and respond to any evidence upon which the claimant intends to rely, and an opportunity to be heard.

While the Tenants submitted evidence in support of a monetary claim, the Tenants failed to clearly indicate on the Application for Dispute Resolution that they sought monetary compensation from the Landlord.

I therefore dismiss the Tenants' Application made February 5, 2019. The Tenants are at liberty to apply for monetary compensation from the Landlord. Both parties were reminded of the strict time limit imposed by section 60 of the *Residential Tenancy Act*.

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: March 21, 2019

Residential Tenancy Branch