



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, FFT

Introduction

This hearing was convened as a result of the tenants' Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act"). The tenants applied for a monetary order in the amount of \$5,000.00 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, and to recover the cost of the filing fee.

The tenants, the landlord PM ("landlord") and the spouse of the landlord 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.

Neither party raised any concerns regarding the service of documentary evidence.

Preliminary and Procedural Matters

At the outset of the hearing, the parties were advised that the tenants' application was being refused, pursuant to section 59(5)(c) of the Act because the tenants' 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 tenants failed to provide a breakdown for the \$5,000.00 amount claimed at the time the tenants applied or before the 14 day deadline under the Rules to submit evidence expired. I find that proceeding with the tenants' claim at this hearing would be prejudicial to the landlord, as the absence of particulars that set out how the tenants arrived at the amount being claimed makes it difficult, if not impossible, for the landlord to adequately prepare a response to the tenants' claim. I note the tenants

applied on December 30, 2018, which provided significant time for the tenants to comply with Rule 2.5, however, the tenants 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 applicants submit their application. Given the above, the tenants are granted liberty to reapply but are reminded to provide full particulars of their monetary claim. The tenants 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.

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

Conclusion

The tenants' application has been refused pursuant to sections 59(5)(c) and 59(2)(b) of the *Act*. The tenants are at liberty to reapply for their monetary claim; however, are 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 filing fee.

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: April 24, 2019

Residential Tenancy Branch