



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PACIFIC QUARUM
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT, 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 \$35,000.00 and to recover the cost of the filing fee.

The tenant, her witness, and multiple representatives for the landlords, as listed on the title page, attended the teleconference hearing.

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 her 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 \$35,000.00 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 landlords, as the absence of particulars that set out how the tenant arrived at the amount being claimed makes it difficult, if not impossible, for the landlords to adequately prepare a response to the tenant's claim. I note the tenant applied on February 1, 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 respondents are 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 her 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.

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.

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 filing fee.

This decision does not extend any applicable timelines under the *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: May 17, 2019

Residential Tenancy Branch