



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes

MNDCT, FFT

### Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for compensation for losses or other money owed under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover the filing fee for this application from the landlords pursuant to section 72.

The landlords did not attend this hearing, although I left the teleconference hearing connection open until 1:50 p.m. in order to enable them to call into this teleconference hearing scheduled for 1:30 p.m. The tenants attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the tenants and I were the only ones who had called into this teleconference.

### Preliminary Issues

The tenants provided sworn testimony and some written evidence that they had sent copies of their dispute resolution hearing package to both landlords by registered mail on April 25, 2019. They said that the package to Landlord MK was sent to an address given to them by Landlord DB on November 28, 2018. Landlord DB managed the property for Landlord MK during their tenancy which ended in April 2019. The package to Landlord DB was sent to a previous address provided to them by him. The tenants said that both of these packages were returned as undeliverable by Canada Post.

At the hearing, I noted that some of the information entered into written evidence by the tenants revealed that Landlord DB would be working in the Arctic for some time and that Landlord MK was expected to be living in the rental unit by late May 2019. I also noted that the tenants' original evidence package was a 23 page document; at the hearing the tenants referred to more than 30 pages in their original evidence package. I advised the tenants that the Residential Tenancy Branch had only received partial documents from them. The tenants

maintained that they provided these documents for scanning to provincial officials who apparently did not include these in the information that was before me.

The tenants testified that they did not notify the landlord of their intention to seek a monetary award of \$18,875.24, as listed on their revised Monetary Order Worksheet. The original application sent to the landlords requested a \$6,000.00 monetary award, plus the recovery of their filing fee. I advised the tenants that I could not consider their request for an increased monetary award of \$18,875.24, since the tenants had neither amended the amount they were seeking from their original application, nor provided the landlord with any notification that they were seeking more than triple what they were originally requesting.

As the tenants remained interested in obtaining a monetary award far in excess of the original amount stated in their application, the tenants withdrew their current application for dispute resolution. They indicated that they planned to initiate a new application for the increased amount. The tenants' application is hereby withdrawn.

#### Conclusion

The tenants' application is withdrawn. The tenants are at liberty to reapply within the time frames established pursuant to the *Act*.

In the event that the tenants do submit new applications, they are to provide notification of their new application for dispute resolution, Notice of Hearing, and all relevant evidence to the Respondent(s) at their last known addresses. This would include in the case of Landlord MK, the mailing address for the rental property, as Landlord DB advised the tenants that Landlord MK would be returning to reside in that property by late May 2019.

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: June 10, 2019

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Residential Tenancy Branch