



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S, MNDCL-S, FFL

Introduction

This hearing was convened as a result of the landlord's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act"). The landlord applied for an amended monetary order in the amount of \$13,984.63 for damages to the unit, site or property, 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 landlord, an agent for the landlord SL ("agent") and the tenant 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

According to the landlord's agent, the landlord's amended monetary claim of \$13,984.63, was described in a three-page Monetary Order Worksheet ("MOW") with the last page containing 4 items. Unfortunately, the third page of the MOW was either not named correctly or was not submitted to the RTB. After a total 40 minutes, the parties were advised that the landlord's application was being refused, pursuant to section 59(5)(c) of the *Act* because the landlord'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 landlord failed to serve the RTB with a full monetary breakdown of the amended monetary claim. I note the landlord applied on March 2, 2019, which provided

significant time for the landlord to comply with Rule 2.5, however, the landlord failed to do so.

Given the above, the landlord is granted liberty to reapply but is reminded to provide full particulars of their monetary claim at the time they submit their application. 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 landlord's failure to comply with Rule 2.5 of the RTB Rules.

As the landlord has applied to retain the tenant's security deposit of \$1,600.00, and pursuant to sections 38 and 67 of the *Act*, I order the landlord to return the tenant's \$1,600.00 security deposit within 15 days of the hearing date, June 20, 2019.

Should the landlord fail to comply with order above, the tenant is granted a monetary order in the amount of **\$1,600.00** pursuant to sections 38 and 67 of the *Act*.

Conclusion

The landlord's application has been refused pursuant to sections 59(5)(c) and 59(2)(b) of the *Act*. The landlord is 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 as indicated above.

I order the landlord to return the tenant's \$1,600.00 security deposit within 15 days of the hearing date, June 20, 2019. Should the landlord fail to comply with order above, the tenant is granted a monetary order in the amount of \$1,600.00 pursuant to sections 38 and 67 of the *Act*.

This decision does not extend any applicable timelines under the *Act*.

This decision will be emailed to both parties. The monetary order will be emailed to the tenant for service on the landlord, if necessary.

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: June 20, 2019

Residential Tenancy Branch