



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAINSTREET EQUITY CORP.
and [tenant name suppressed to protect privacy]

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 (the "Act"). The tenants applied for a monetary order in the amount of \$645.22 and to recover the cost of the filing fee.

The tenants and the landlord's agent attended the teleconference hearing.

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 \$645.22 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 tenant arrived at the amounts being claimed makes it difficult, if not impossible, for the landlord to adequately prepare a response to the tenant's claim. I note the tenant applied on April 29, 2019, which provided significant time for the tenants to comply with Rule 2.5, however, the tenants failed to do so.

In addition, upon my inquiry, the landlord stated that they did not understand the breakdown of the tenants' monetary claim.

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 applicant submits 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 tenant 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 for the reasons given. The tenants are at liberty to reapply for their monetary claim; however, they 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 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 7, 2019

Residential Tenancy Branch