



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes

For the landlords: OPM MNDL-S MNRL-S MNDCL-S FFL  
For the tenants: MT OLC RP PSF LRE LAT AS RR

### Introduction and Preliminary Matters

This hearing was convened as a result of an Application for Dispute Resolution (“application”) by both parties seeking remedy under the *Residential Tenancy Act* (“Act”).

The landlords applied for a monetary order in the amount of \$4,900.00 for unpaid rent or utilities, for damage to the unit, site or property, to keep all or part of the security deposit and/or pet damage deposit, 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 applied for a rent reduction in the amount of \$3,300.00, for more time to make an application to cancel a notice to end tenancy, for repairs to the unit, site or property, for an order directing the landlords to provide services or facilities agree upon but not provided, for an order to set limits on the landlords’ right to enter the rental unit, site or property, and for authorization to sublet the rental unit.

The landlords and tenants attended the hearing. During the hearing the landlords were advised that Rule 2.9 of the Residential Tenancy Branch Rules of Procedure (“Rules”) do not permit the dividing of claims. In addition, the landlords confirmed that they have claimed \$1,000.00 as part of the claim before me towards an insurance claim that has not yet been made to their insurance company. Therefore, the landlords were advised that their application was premature and that I would not divide their claims. As a result, I dismiss the landlords’ claim **with leave to reapply**. I do not grant the filing fee; however, as the landlords’ claim was premature. Regarding the tenants’ application, the tenants were advised during the hearing that their application was being refused, pursuant to section 59(5)(c) of the *Act* because the tenants’ application for dispute resolution did not provide sufficient particulars of their monetary claim for compensation in the amount of \$3,300.00, as is required by section 59(2)(b) of the *Act*. Therefore, the tenants are at **liberty to re-apply** as a result, but are reminded to include full and clear particulars of their claim when submitting their application in the “Details of Dispute” section of the application, and is encouraged to use the “Monetary Worksheet” form located on the Residential Tenancy Branch website; [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca). The amount listed on the

monetary worksheet being claimed should also match the monetary amount being claimed on the application.

Given the above, I **do not** grant the recovery of the filing fee for the landlords as their application was premature.

As the tenants did not pay a filing fee as it was waived, I do not need to consider the filing fee for the tenants.

As the landlords claimed against the tenants' security deposit and the landlords' application was deemed premature, I make the following order as the security deposit must be dealt with.

**I ORDER** the landlords to return the tenants' full security deposit, and if applicable, pet damage deposit, to the tenants within 15 days of the receipt of this decision. Should the landlords fail to comply with my order, the tenants are at liberty to apply for compensation under section 38 of the *Act*.

#### Conclusion

The landlords' application is premature and is dismissed with leave to reapply.

The tenants have liberty to reapply as their application was refused pursuant to section 59 of the *Act*.

This decision will be emailed to the email addresses of both parties confirmed during the hearing.

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: August 21, 2019

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Residential Tenancy Branch