



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, PSF, FFT

Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed on October 25, 2019, wherein they sought monetary compensation from the Landlord in the amount of \$35,000.00, an Order that the Landlord provide services or facilities as required by law and recovery of the filing fee.

The hearing of the Tenants' Application was scheduled for 1:30 p.m. on November 15, 2019. Both parties called into the hearing.

Preliminary Matters

At the outset of the hearing the parties confirmed the Tenants had vacated the rental unit such that the Tenants request for an Order that the Landlord provide services or facilities was no longer required. As such, the only claim left to be determined was the Tenants' monetary claim for \$35,000.00.

Hearings before the Residential Tenancy Branch are governed by the *Residential Tenancy Branch Rules of Procedure*. At all times an Arbitrator is guided by Rule 1.1 which provides that Arbitrators must ensure a fair, efficient and consistent process for resolving disputes for landlords and tenants.

Rule 2.5 provides that an Applicant must submit a detailed calculation of any monetary claim being made.

In the case before me the Tenant, N.G., confirmed that she claimed \$35,000.00 as "that was the max".

The Tenants filed a photocopy of the first page of the Monetary Orders Worksheet. The second page was not provided, nor was there any detailed calculation of the Tenants monetary claim provided in evidence.

Rule 3.7 also provides that evidence must be organized, clear and legible.

While the Tenants submitted evidence in support of their claim, some of this evidence includes photos of various unreadable receipts, photos of items without any description, and mould reports without any indication as to how this relates to a compensable loss.

Rule 3.7 further provides that to ensure fairness and efficiency, the Arbitrator has the discretion to not consider evidence if the arbitrator determines it is not readily identifiable, organized, clear and legible.

It is the Tenants' obligation, as the Applicant, to ensure their application is clear and supported by their evidence. It is not the Landlord's responsibility, nor the Arbitrator's responsibility, to sift through the Tenants' materials to determine the basis of their claim.

For these reasons I dismiss the Tenants' monetary claim with leave to reapply.

The parties are reminded that evidence filed in this matter will not be transferred to any future claims, and that they must refile any evidence in support of such anticipated claims. The parties are also reminded to ensure their applications comply with the *Residential Tenancy Branch Rules of Procedure*.

As the Tenants have not been successful in their claim, their request to recover the filing fee is denied.

Conclusion

The Tenants claim for an order that the Landlord provide services and facilities is dismissed as the Tenants have vacated the rental unit.

The Tenants' monetary claim for \$35,000.00 is dismissed with leave to reapply.

The Tenants' claim for recovery of the filing fee is dismissed.

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: November 15, 2019

Residential Tenancy Branch