



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT OLC PSF LRE LAT

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution seeking remedy under the *Residential Tenancy Act* (the Act). The tenant applied for a monetary order in the amount of \$34,767.45 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for an order directing the landlord to comply with the Act, regulation or tenancy agreement, for an order for the landlord to provide services or facilities agreed upon but not provided, for an order to suspend or set conditions on the landlord's right to enter the rental unit, site or property, and for authorization to change the locks to the rental unit.

The tenant, a tenant agent TS (agent), the landlord, and the spouse of the landlord RT (spouse) appeared at the teleconference hearing. The hearing process was explained to the parties and an opportunity to ask questions about the hearing process was provided to the parties.

Preliminary and Procedural Matter

At the outset of the hearing, the parties were advised that the tenant's application for monetary compensation was being refused, pursuant to section 59(5)(c) of the Act, because their application for dispute resolution did not provide sufficient particulars of their claim, including their claim for compensation, as is required by section 59(2)(b) of the Act. For example, the tenant claimed that they submitted their Monetary Order Worksheet and documentary evidence at a Service BC office, yet the only document submitted to the dispute resolution portal was a one-page document on February 25, 2020, which was a Canada Post receipt.

I find that proceeding with the tenant's application at this hearing would be prejudicial to both parties as the absence of particulars that set out how the tenant arrived at the

amount listed for compensation and the details of the non-monetary portion of the tenant's claim would make it difficult, if not impossible, for the landlord to adequately prepare a response to the tenant's application. In addition, without having any of the tenant's documentary evidence submitted as they claim it was, would make it impossible to view their numbered pages of evidence. I find this service issue requires the tenant to reapply to ensure a fair hearing.

The tenant is at liberty to reapply, however, are reminded to provide all available documentary evidence and the details of their claim at the time they apply in the interests of a fair hearing in accordance with the Residential Tenancy Branch (RTB) Rules of Procedure.

Conclusion

The tenant's application has been refused pursuant to sections 59(5)(c) and 59(2)(b) of the Act. The tenant is at liberty to reapply; however, are encouraged to provide a detailed breakdown of their monetary claim and all documentary evidence and if using a Service BC office, to confirm the exact number of pages submitted and to contact the RTB to ensure those page numbers match well in advance of a scheduled hearing.

The filing fee is not granted due to the service issue.

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: April 20, 2020

Residential Tenancy Branch