



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding REALSTAR  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNSD, MNDT, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants for the return of the security deposit, for a monetary order for money owed, and to recover the cost of the filing fee.

Both parties appeared.

### Preliminary and Procedural issues

In this case, the tenants' filed their application for dispute resolution on January 29, 2020, seeking the return of the security deposit. However, I find the tenants' application was made premature as the tenancy had not ended. The security deposit can only be applied for after the tenancy has legally ended and after the tenants provided the landlord with their forwarding address in writing and served in an approved method under the Act. Therefore, I decline to hear this portion of the tenants' claim.

The landlord's agent stated they did not receive any evidence from the tenants. The tenants stated the landlord received their application and the evidence was provided to the Residential Tenancy Branch and the landlord's can view it online.

In this case, I find the tenants claim for a monetary order is not in compliance with section 59 of the Act, as their details of dispute does not provide any details of the alleged neglect or harassment and no breakdown of their monetary claim.

Further, the Residential Tenancy Branch Rules of Procedures (the "Rules") state the following.

3.1 Documents that **must be served** with the Notice of Dispute Resolution Proceeding Package

The applicant must, within three days of the Notice of Dispute Resolution Proceeding Package being made available by the Residential Tenancy Branch, **serve each respondent with copies of all of the following:**

- a) the Notice of Dispute Resolution Proceeding provided to the applicant by the Residential Tenancy Branch, which includes the Application for Dispute Resolution;
- b) the Respondent Instructions for Dispute Resolution;
- c) the dispute resolution process fact sheet (RTB-114) or direct request process fact sheet (RTB-130) provided by the Residential Tenancy Branch; and
- d) **any other evidence submitted to the Residential Tenancy Branch** directly or through a Service BC Office with the Application for Dispute Resolution, in accordance with Rule 2.5.

3.7 Evidence must be organized, clear and legible All documents to be relied on as evidence must be clear and legible. To ensure a fair, efficient, and effective process, **identical documents, and photographs, identified in the same manner, must be served on each respondent, and uploaded to the Online Application for Dispute Resolution or submitted to the Residential Tenancy Branch directly or through a Service BC Office**

I find the tenants did not comply with the above Rules as they were required to serve the respondents with copies of any evidence, this would include, statements, photographs, videos, and any other documents they wish to rely upon at the hearing.

While I accept the tenants provided copies to the Residential Tenancy Branch by uploading them through the online process. The tenants did not serve or provide copies of the documents to the landlord.

As the tenants have not complied with section 59 of the Act, and the Rules, I decline to hear the matter. Therefore, I dismiss the tenants' application with leave to reapply.

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: April 03, 2020

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Residential Tenancy Branch