



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCL FFL

Introduction

This hearing was convened as a result of the landlord's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act). The landlord applied for a monetary order in the amount of \$2,100.00 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.

An agent for the landlord VP (agent) and the tenant appeared at the teleconference hearing. The hearing process was explained to the parties and the parties were affirmed. The parties were also provided the opportunity to ask questions. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matter

At the outset of the hearing, the parties were advised that the tenant's application 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 for compensation, as is required by section 59(2)(b) of the Act.

The tenant confirmed that they were unable to determine a monetary breakdown of the landlord's monetary claim. The parties were advised that I too could not determine how the landlord arrived at the amount being claimed. Furthermore, only 23 days before the hearing, the landlord filed evidence that did not match the amount claimed and exceeded the monetary claim by over \$500.00.

Based on the above, I find that proceeding with the landlord's monetary claim at this hearing would be prejudicial to the tenant, as the absence of particulars that set out how

the landlord arrived at the amount of \$2,100.00 makes it difficult, if not impossible, for the tenant to adequately prepare a response to the landlord's claim. The landlord failed to specify a detailed breakdown of their monetary claim including the amount of each item and what each item being claimed represents.

The landlord is at liberty to reapply; however, is reminded to provide a detailed breakdown of their monetary claim and are encouraged to use the Monetary Worksheet available at www.rto.gov.bc.ca when submitting a monetary claim. The landlord may include any additional pages to set out the details of their dispute in their application, as required.

Conclusion

The landlord's application has been refused pursuant to sections 59(5)(c) and 59(2)(b) of the Act. The landlord is at liberty to reapply for their monetary claim; however, is encouraged to provide a detailed breakdown of any future monetary claim at the time an application is submitted. Failure to do so could result in the application being refused again with leave to reapply not being granted.

This decision will be emailed to the landlord and sent by regular mail to the tenant.

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 6, 2020

Residential Tenancy Branch