



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDCT, FFT

### Introduction

This hearing was scheduled to deal with a tenant's application for monetary compensation for damages or loss under the Act, regulations or tenancy agreement.

Both parties appeared or were represented at the hearing and had the opportunity to make relevant submissions and to respond to the submissions of the other party pursuant to the Rules of Procedure.

At the outset of the hearing, I heard the tenant had sent his proceeding package to the landlord via registered mail on December 17, 2019 and the landlord confirmed receipt of this package. I had received several pieces of evidence from the tenant; however, the tenant testified that he had not served his evidence upon the landlord. The tenant stated he was unfamiliar with the dispute resolution process and requirements to serve the landlord with his evidence. The landlord confirmed she did not receive any evidence from the tenant.

I had also received some evidence from the landlord and I confirmed that she had sent her evidence to the tenant via email on May 7, 2020. The tenant confirmed he received the landlord's evidence.

The tenant requested withdrawal of his Application for Dispute Resolution with liberty to reapply. Initially, the landlord did not object to the request but then pointed out the tenant has had several months to gather and serve his evidence and she would like resolution to this dispute.

While I accept that the tenant has had several months to serve his evidence to the landlord, and the requirements for serving evidence to a respondent are contained in the documentation provided to the tenant by the Residential Tenancy Branch, and in the

Rules of Procedure, I also noted that the details of dispute filed by the tenant indicate his claim may pertain to multiple losses, such as: hotel costs, damage to property, and loss of use of the rental unit but that the tenant did not provide a detail calculation or Monetary Order worksheet in requesting the sum of \$3,000.00. When I look to the landlord's evidence, it would appear she was attempting to provide rebuttal evidence to the tenant's allegation concerning damaged property only.

Under section 59(2) of the Act, an applicant is required to provide full particulars as to the nature of the dispute and their claims against the other party. Rules 2.5 and 3.1 of Rules of Procedure require that an applicant provide a detailed monetary calculation with the Application for Dispute Resolution. These requirements are in keeping with the principles of natural justice and afford the respondent the opportunity to fully prepare a defence or response.

Given the limited information in the details of dispute and the absence of evidence, a Monetary Order worksheet or other detailed calculation being served upon the landlord, I was of the view the tenant did not sufficiently set out his claim against the landlord in accordance with section 59(2) of the Act and to proceed to hear this matter would be prejudicial. Accordingly, I declined to proceed to hear this matter pursuant to section 59(5) of the Act and I dismissed the tenant's 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: May 14, 2020

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Residential Tenancy Branch