



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNDC, FF

Introduction

This hearing was convened as a result of the landlords' application for dispute resolution under the Residential Tenancy Act (Act) for:

- compensation for claimed damage to the rental unit by the tenant;
- compensation for a monetary loss or other money owed; and
- recovery of the filing fee.

The landlords attended the hearing; however, the tenant did not attend.

Preliminary and Procedural Matters

At the outset of the hearing, the landlords were advised that their application was being refused, pursuant to section 59(5)(c) of the Act because the landlords' application did not provide sufficient particulars of their claim for compensation, as is required by section 59(2)(b) of the Act. Additionally, Rule 2.5 of the Residential Tenancy Branch Rules of Procedure (Rules) states that the applicant must submit a detailed calculation of any monetary claim being made and copies of all other documentary and digital evidence to be relied on in the proceeding. The applicants are provided with instructions in the application package as to these evidence requirements.

The objective of the Rules is to ensure a fair, efficient, and consistent process for resolving disputes for landlords and tenants.

Specifically, the landlords failed to provide a breakdown of the amount claimed of \$35,000 at the time the landlords applied on or about February 7, 2020, or at any time from the date of their application, until they supplied all of their significant amount of supporting documentary and digital evidence to the Residential Tenancy Branch (RTB)

on June 10, 2020 and after. The landlords did not serve the tenant their supporting documentary and digital evidence until it was mailed to him on June 10, 2020.

The evidence of the landlords I reviewed showed the evidence was available in 2018. In the evidence, the breakdown of the landlords' monetary claim was \$44,575.05, which exceeds the jurisdictional limit of \$35,000 allowed under the Act and did not match the monetary claim listed in the landlords' application.

I find that proceeding with the landlords' claim at this hearing would be prejudicial and procedurally unfair to the tenant, as the absence of particulars that set out how the landlords arrived at the amounts being claimed makes it difficult, if not impossible, for the tenant to adequately prepare a response to the landlords' claim. I note the landlords applied on February 7, 2020, which provided significant time for the landlords to comply with Rule 2.5, however, they failed to do so.

Both parties have the right to a fair hearing and the respondent is entitled to know the full particulars of the claim made against him at the time the applicant submits their application.

The landlords are granted liberty to reapply but are reminded to provide full particulars of their monetary claim.

I do not grant the landlords the recovery of the cost of the filing fee as I have not considered the merits of their application.

Conclusion

The landlords' application has been refused pursuant to sections 59(5)(c) and 59(2)(b) of the Act. The landlords are at liberty to reapply for their monetary claim.

I do not grant the filing fee.

This decision does not extend any applicable timelines under the *Act*.

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: June 30, 2020

Residential Tenancy Branch