



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, FF

### Introduction

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

- compensation for a monetary loss or other money owed; and
- recovery of the filing fee.

The tenant, the landlords and their assistants attended the hearing and each confirmed receiving the other's evidence.

### Preliminary and Procedural Matters

Near the outset of the hearing, the tenant was advised that her application was being refused, pursuant to section 59(5)(c) of the Act because the tenant's application did not provide sufficient particulars of her 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 tenant failed to provide a breakdown of the amount claimed of \$8,000.00 at the time the tenant applied on or about April 2, 2020, or at any time from the date of her application.

I find that proceeding with the tenant's claim at this hearing would be prejudicial and procedurally unfair to the landlords, as the absence of particulars that set out how the tenant arrived at the amounts being claimed makes it difficult, if not impossible, for the landlords to adequately prepare a response to the tenant's claim. I note the tenant applied on April 2, 2020, which provided sufficient time for the tenant to comply with Rule 2.5, however, she failed to do so.

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

The tenant is granted liberty to reapply but is reminded to provide full particulars of her monetary claim. The tenant is encouraged to use the Monetary Worksheet available at the Residential Tenancy Branch (RTB) website when submitting a monetary claim.

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

### 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 for her 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: August 10, 2020

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Residential Tenancy Branch