



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCL-S, MNDL-S, FFL

Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Landlord under the Residential Tenancy Act (the “Act”) for a monetary order for compensation for my monetary loss, for a monetary order for damages, permission to retain the security deposit and an order to recover the cost of filing the application. The matter was set for a conference call.

The Landlord and both the Tenants attended the hearing and were each affirmed to be truthful in their testimony. The Tenants and the Landlord were provided with the opportunity to present their evidence orally and in written and documentary form and to make submissions at the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Matter – Missing Details of Monetary Claim

At the outset of these proceedings, it was noted that the Landlord had not included a monetary worksheet with their application for Dispute Resolution. I have reviewed the Landlord’s application and agreed that the Landlord did not submit and detailed calculation of his monetary claim. The Rules of Procedure section 2.5 states the following:

Documents that must be submitted with an Application for Dispute Resolution

“To the extent possible, the applicant should submit the following documents at the same time as the application is submitted:

- a detailed calculation of any monetary claim being made;
- a copy of the Notice to End Tenancy, if the applicant seeks an order of possession or to cancel a Notice to End Tenancy; and
- copies of all other documentary and digital evidence to be relied on in the proceeding, subject to Rule 3.17 [Consideration of new and relevant evidence].

When submitting applications using the Online Application for Dispute Resolution, the applicant must upload the required documents with the application or submit them to the Residential Tenancy Branch directly or through a Service BC Office within three days of submitting the Online Application for Dispute Resolution.”

The Landlord testified during these proceedings that they had not filled form #RTB-37, Monetary Work Sheet, nor had they included a detailed calculation of the monetary claim being made. The Landlord testified that they had included their receipts and invoices to support their claim but confirmed that they had not included.

The Tenants testified that they were unclear of the details of the claim being made against them in today's proceedings.

I find that it would be procedurally unfair to the Tenants to continue in this proceeding when they have not been provided with a detailed calculation of the monetary claim being made against them.

Accordingly, I find it appropriate to dismiss the Landlord's claim with leave to reapply.

Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the legislation. I have not made any findings of fact or law with respect to the Application.

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: November 6, 2020

Residential Tenancy Branch