



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S, FFL

Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Landlords under the Residential Tenancy Act (the “Act”) for a monetary order for compensation for damage caused by the tenant, their pets or guests to the unit, site or property and an order to recover the cost of filing the application. The matter was set for a conference call.

One of the Landlords and the Tenants attended the hearing and were each affirmed to be truthful in their testimony. Both 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 Landlords had not included a monetary worksheet with their application for Dispute Resolution. The Landlord testified that they had filled out a monetary worksheet but had failed to include with their submitted documents to the Residential Tenancy Branch.

The Tenants testified that they did not have a monetary worksheet from the Landlord in their evidence package.

Pursuant to section 2.5 of the Residential Tenancy Branch Rules of Procedure, 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.

An adjournment was offered to the parties in order for the Landlord to serve the monetary worksheet to both the Residential Tenancy Branch and the Tenants; however, the Landlord declined the adjournment.

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: January 5, 2021

Residential Tenancy Branch