



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDCT, MNRT, RPP

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. The participatory hearing was held, by teleconference, on April 16, 2021, by conference call. The Tenant applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

The Landlord and the Tenant both attended the hearing and provided affirmed testimony. The Landlord confirmed receipt of the Tenant's documentary evidence, application, and Notice of Hearing and took no issue with the service of these documents. The Tenant confirmed receipt of the Landlord's evidence package and did not take issue with the service of those documents. I find both parties sufficiently served each other for the purposes of this proceeding.

Both parties were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. 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 Matters

During the hearing, there was significant confusion as to what specific amounts the Tenant was seeking, and why. The Tenant provided an unclear explanation as to what he was seeking, although he stated that his main priority was to pursue monetary compensation against the Landlord. The Tenant appears to want compensation for his missing items, rather than the return of those items.

Having reviewed the Tenant's application, and evidence, I note the Tenant is seeking \$17,011.45, comprised of several items. The Tenant provided a *partial* breakdown of the amounts on his application form: 1) \$1,525.00 for his security deposit, 2) \$14,700.00 for moving expenses, the loss of many of his belongings, and for 3 month's rent and 3) he wants to be paid back \$786.45 for repairs he completed.

After attempting to understand how the Tenant arrived at, and calculated his claim, he acknowledged that he did not specify how he arrived at the amount of \$14,700.00. It appears this amount is based off numerous personal items, and moving expenses, none of which were itemized or broken down further. The Tenant provided no clarity in the hearing regarding the specifics of the amounts.

I turn to the following rules of procedure:

2.5 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.

I note the Tenant's application is for a substantial amount of money, and there is no detailed calculation as to what is being sought, such that the items could reasonably be discussed and addressed in an organized and fair manner, and in a manner that the Landlord could fairly respond to. I find the lack of breakdown is prejudicial to the respondent. It also makes it difficult for me to understand the nature and basis of the application. There is also no itemization or breakdown as to what personal property he wants returned, if any at this point.

I dismiss the Tenant's application, with leave to reapply, pursuant to section 59 of the Act. Section 59 (2)(b) of the Act specifies the following:

59(2) An application for dispute resolution must:

- (a) be in the applicable approved form,
- (b) include full particulars of the dispute that is to be the subject of the dispute resolution proceedings, and
- (c) be accompanied by the fee prescribed in the regulations.

[...]

(1) The director may refuse to accept an application for dispute resolution if:

[...]

- (c) the application does not comply with subsection (2).

I encourage the Tenant to provide a clear breakdown of any amounts being sought in any future proceedings.

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: April 16, 2021

Residential Tenancy Branch