



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT MNSD FFT

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act). The tenant applied for a monetary order in the amount of \$2,595.00 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for the return of their deposits and to recover the cost of the filing fee.

The tenant, a tenant agent, LW (tenant agent), the landlord and an agent for the landlord, FS (landlord agent) appeared at the teleconference hearing. The hearing process was explained to the parties and the parties were affirmed. The parties were also provided the opportunity to ask questions. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matters

The parties were informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The parties were also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the parties were informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. Neither party had any questions about my direction pursuant to RTB Rule 6.11.

In addition, the parties confirmed their respective email addresses at the outset of the hearing and stated that they understood that the decision would be emailed to them.

Also, the parties were advised that the tenant's application was being refused, pursuant to section 59(5)(c) of the Act because their application for dispute resolution did not provide sufficient particulars of their claim for compensation, as is required by section 59(2)(b) of the Act.

The tenant failed to upload and serve a Monetary Order Worksheet (Worksheet) to set out how they arrived at the amount of \$2,595.00 being claimed. Based on the above, I find that proceeding with the tenant's monetary claim at this hearing would be prejudicial to the landlord to guess at how they arrived at the amount claimed. In other words, it is not up to the arbitrator or respondent to guess at how the applicant arrived at a specific amount being claimed.

The tenant is at liberty to reapply; however, is reminded to complete the Worksheet before at the time an application is made and to ensure the respondent and the Residential Tenancy Branch are served with the completed Worksheet. The tenant may include any additional pages to set out the details of their dispute in their application, as required.

I do not grant the filing fee given the above.

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 their monetary claim; however, is encouraged to fully complete a Worksheet of any future monetary claim at the time an application is submitted and to properly serve that Worksheet in accordance with RTB Rules of Procedure. Failure to do so could result in the application being refused again with leave to reapply not being granted.

The filing fee is not granted.

This decision will be emailed to both parties as indicated above.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 4, 2021

Residential Tenancy Branch