



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNETC, MNDCT, RPP, MNRT, FFT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- a monetary order for the cost of emergency repairs to the rental unit pursuant to section 33;
- an order requiring the landlord to return the tenant's personal property pursuant to section 65;
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

The tenants (O.F., G.F. and H.V.) attended the hearing via conference call and provided affirmed testimony. The tenants (T.V. and M.M.) did not attend and were not represented. Both landlords attended the hearing via conference call and provided affirmed testimony.

Preliminary Issue(s)

At the outset, the tenants' application was clarified. The tenants provided extensive discussions on the monetary claim but were unable to locate their submitted monetary worksheet from within the application or the submitted documentary evidence. The landlords stated that they did not receive a monetary worksheet. The monetary worksheet was clarified with both parties as a document, a RTB-37 form produced by the RTB for the parties to fill in and provide their monetary claim details. Both parties stated that they understood. The tenants stated that the form was completed and is within the submitted documentary evidence. Despite repeated attempts, the tenants were unable to provide reference to this form nor any monetary claim details. The tenants requested an adjournment to allow the tenants to re-organize their evidence.

The landlords provided no comment on the adjournment request. I find as this is a monetary claim that neither party shall be prejudice to an adjournment. This hearing is adjourned to allow the tenants to re-organize their evidence and to locate the monetary worksheet (RTB-37) and re-serve copies with proper file names to both the Residential Tenancy Branch and the named landlords. Both parties were cautioned that no new evidence is to be submitted nor would any be accepted. Both parties were cautioned that as there are 16 files from the tenants and 12 files from the landlords that both parties in re-organizing their evidence are only to identify and re-name them for use during the hearing. Both parties are given a deadline of March 31, 2021 to complete their re-organization of their evidence and to serve the RTB and the other party. Both parties confirmed their mailing addresses and email contact details as correct for service.

The hearing was reconvened on June 22, 2021 with only the landlords present. The hearing was paused until 14 minutes past the start of the adjourned hearing time of 11am to allow the tenants to attend, make submissions and present evidence. A review of the Residential Tenancy Branch File shows that all listed parties were sent an emailed copy of the Notice of Adjournment and the interim decision on March 18, 2021. The tenants did not attend. The landlords stated that they have not received any re-organized evidence or details of the tenants' monetary claim as per the interim decision. A review of the Residential Tenancy Branch File does not show any submissions made by the tenants regarding re-organized evidence of any monetary claim details. At 11:14am, the tenants' application was dismissed without leave save and except for the tenants' monetary claim of \$25,000.00 for money owed or compensation for damage or loss as no details have been submitted. This portion of the tenants' claim was dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period. The remaining items of claim filed are dismissed without leave to reapply.

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: June 23, 2021

Residential Tenancy Branch