



# 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 was convened as a result of the landlord's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act). The landlord applied for a monetary order in the amount of \$485.00 for damage to the rental unit, site or property, to offset any amount owing from the tenant's security deposit and to recover the cost of the filing fee.

The landlord and tenant AL (tenant) appeared at the teleconference hearing. The hearing process was explained to the parties and the parties were affirmed. The landlord, agent and counsel 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.

Furthermore, 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. In addition, the landlord was also advised that the landlord'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. For example, the landlord applied for \$485.00 yet submitted a monetary order worksheet in a higher amount of \$1,774.50, without formally amending their application in accordance with the Rules.

I find that proceeding with the landlord's monetary claim at this hearing would be prejudicial to the tenants, as the absence of particulars that set out how the landlord arrived at the amount of \$1,774.50 in their application makes it difficult, if not impossible, for the tenants to adequately prepare a response to the landlord's claim.

I also note that both parties confirmed that the security deposit as already been dealt with in a previous decision.

The landlord is at liberty to reapply; however, are reminded to provide a detailed breakdown of their monetary claim and are encouraged to use the Monetary Order Worksheet (RTB-37) available at <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/forms/forms-listed-by-number> when submitting a monetary claim. The applicant 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 as this matter was refused as noted above.

### Conclusion

The landlord's application has been refused pursuant to sections 59(5)(c) and 59(2)(b) of the Act.

The landlord is at liberty to reapply for their monetary claim; however, are encouraged to provide a detailed breakdown of any future monetary claim at the time an application is submitted. Failure to do so could result in the application being refused again with leave to reapply not being granted.

This decision will be emailed to the parties at the email addresses confirmed as noted 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: July 23, 2021