



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, MNRT, MNDCT

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 determination regarding their dispute of an additional rent increase by the landlord pursuant to section 43.

The tenant attended the hearing via conference call and provided affirmed testimony. The landlord's agent, J.D. attended the hearing via conference call and provided affirmed testimony, however, the named landlords did not attend or submit any documentary evidence regarding the authorization of the landlord's agent to appear on their behalf. Discussions took place and the landlord's agent contacted the named landlord, S.S. who attended and identified himself. The landlord, S.S. stated that J.D. would act as his agent. The named landlord B.P. did not attend and was unrepresented.

Both parties were advised that the conference call hearing was scheduled for 60 minutes and pursuant to the Rules of Procedure, Rule 6.11 Recordings Prohibited that recording of this call is prohibited.

Both parties confirmed the tenant served the landlords by placing the notice of hearing package in the landlords' mailbox. Neither party raised any service issues. I accept the undisputed affirmed evidence of both parties and find that both parties have been sufficiently served and is deemed served as per section 90 of the Act.

The tenant stated that her initial 87 documentary evidence was served to the landlord with the hearing package at the same time. The landlord confirmed receipt of 84 documentary evidence files. It was noted that 3 documentary evidence files were missing. Extensive discussions took place in which the tenant's monetary order worksheet was identified as one of the missing documents. The tenant stated that she did not have any supporting evidence regarding the service of the missing evidence files. On this basis, I find that the tenant's documentary evidence consisting of the monetary claim details of the application were not served.

Despite efforts by all parties the tenant's monetary claim details were unable to be identified in the application or in any other documents submitted to the landlord. On this basis, I find that the hearing may not proceed as the landlord has not been given a fair opportunity to respond to the tenant's claims by being informed of the tenant's monetary claim particulars. The tenant's application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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 25, 2022

Residential Tenancy Branch