



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 landlords' Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act). The landlords applied for a monetary order in the amount of \$5,400.00 for damages to the unit, site or property, and the filing fee.

The tenant and the landlords appeared at the teleconference hearing. 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 confirmed their email addresses at the outset of the hearing and stated that they understood that the decision would be emailed to them.

At the outset of the hearing, the parties were advised that this application was being refused, pursuant to section 59(5)(c) of the Act as I find the landlords' application for dispute resolution did not provide sufficient particulars of their monetary claim as is required by section 59(2)(b) of the Act. The landlords provided a Monetary Order Worksheet that stated \$5,300.00 but failed to provide a breakdown of how the 5 items listed added up to \$5,300.00.

I find that proceeding with the landlords' application at this hearing would be prejudicial to the tenant as the absence of particulars make it difficult, if not impossible, for the tenant to adequately prepare a response to the landlords' application.

At the very least, I would have expected the landlord to provide a monetary breakdown of each item being claimed. Accordingly, the landlords are at liberty to reapply; however, they are encouraged to include specific details of each item being claimed and the amount of each item, as the Monetary Order Worksheet indicates.

I do not grant the filing fee as this matter was refused as noted above.

As the landlords claimed against the tenant's security deposit of \$1,500.00, I must deal with the security deposit. Pursuant to section 38 and 62(3) of the Act, I make the following order.

I ORDER the landlords to return the tenant's **\$1,500.00** security deposit **within 15 days** of receiving this decision.

Should the landlords fail to comply with my order, I grant the tenant a monetary order pursuant to section 67 of the Act, which will be of no force or effect if the landlords do comply with my order above and the tenants receives their full security deposit of \$1,500.00, which has accrued no interest to date under the Act.

Conclusion

The landlords' application has been refused pursuant to sections 59(5)(c) and 59(2)(b) of the Act. The filing fee is not granted as a result.

The landlords have been ordered to return the tenant's security deposit of \$1,500.00 within 15 days of receiving this decision. The tenant has been granted a monetary order of \$1,500.00 as noted above. This decision will be emailed to the tenant and sent by regular mail to the landlords.

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: April 29, 2022

Residential Tenancy Branch