



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, MNSD, FF

Introduction, Preliminary and Procedural Matters-

This hearing was convened as a result of the tenants' application for dispute resolution (application) seeking remedy under the Residential Tenancy Act (Act) for compensation for a monetary loss or other money owed, a return of their security deposit, and recovery of the cost of the filing fee.

The tenants and their advocate/support person appeared, and the issue of jurisdiction was discussed, due to the amount of the tenants' monetary claim.

In the evidence, the breakdown of the tenants' monetary claim was \$240,729.95, which exceeds the jurisdictional limit of \$35,000 allowed under the Act and did not match the monetary claim listed in the tenants' application.

Section 58(2)(a) states that I must not determine a dispute if the amount claimed for debt or damages is more than the monetary limit for claims under the *Small Claims Act*.

Tenancy Policy Guideline 27 states that the director can decline to resolve disputes for monetary claims that exceed the limit set out in the *Small Claims Act*, currently \$35,000.

Additionally, this Guideline states:

If a claim for damage or loss exceeds the small claims limit, the director's policy is to decline jurisdiction. This ensures that more substantial claims are resolved in the BC Supreme Court, where more rigorous and formal procedures like document discovery are available.

The tenants' evidence was unclear if they had attempted to abandon part of their claim. However, I find that it would be procedurally unfair to the respondents if the tenants were allowed to pick and choose what part of their claim they wished to abandon at the hearing. The respondents are entitled to know the specific claim against them.

Section 59(5)(c) of the Act requires the applicant to provide sufficient particulars of their application Rule 2.5 of the Residential Tenancy Branch Rules of Procedure (Rules) states that the applicant must submit a detailed calculation of any monetary claim being made. The applicants are provided with instructions in the application package as to these evidence requirements.

The objective of the Rules is to ensure a fair, efficient, and consistent process for resolving disputes for landlords and tenants.

For these reasons, I find I have no jurisdiction to decide this dispute. As a result, I **decline** the tenants' application as the evidence shows their claim exceeded the jurisdictional amount allowed under the Act.

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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: June 25, 2022

Residential Tenancy Branch