



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S, MNDCL-S, MNRL-S, FFL

Introduction

The Landlord seeks the following relief under the *Residential Tenancy Act* (the “Act”):

- An order pursuant to s. 67 for monetary compensation due to damages to the rental unit;
- An order pursuant to s. 67 for monetary compensation due to losses or other money owed;
- An order pursuant to s. 67 for monetary compensation for unpaid rent; and
- Return of her filing fee pursuant to s. 72.

The Landlord advances her claims by claiming against the security deposit.

N.P. appeared as the Landlord. The Tenants did not appear, nor did someone appear on their behalf.

Pursuant to Rule 7.1 of the Rules of Procedure, the hearing began as scheduled in the Notice of Dispute Resolution. As the Tenants did not attend, the hearing was conducted in their absence as permitted by Rule 7.3 of the Rules of Procedure.

The Landlord affirmed to tell the truth during the hearing. I advised of Rule 6.11 of the Rules of Procedure, in which the participants are prohibited from recording the hearing. The Landlord confirmed that she was not recording the hearing. I further advised that the hearing was recorded automatically by the Residential Tenancy Branch.

Dismissal of the Application

This matter was adjourned from a hearing held on June 7, 2022. In the interim reasons, I provided specific instructions with respect to organizing the Landlord’s application

materials, including serving the evidence in a single package on the named Tenants. At the hearing, I was advised by the Landlord that she failed to organize her materials and serve it.

My concern following the original hearing, which has not changed, was that the level of disorganization was such that it was difficult to ascertain what it was the Landlord was claiming. Section 59(2) of the *Act* requires applications to include full particulars of the claim. Where an application lacks full particulars, the Director may refuse to accept the application as per s. 59(5) of the *Act*.

I find that the present level of disorganization in the Landlord's application materials constitutes a bar for the matter proceeding. It would be unduly prejudicial to the Tenants to proceed as it is unclear what the Landlord is seeking based on the materials provided to the Residential Tenancy Branch, which does not consider the other issue respecting service of the materials. As mentioned in the interim reasons, I am unable to make any findings with respect to service of the Landlord's evidence under the circumstances.

I dismiss the Landlord's application with leave to reapply as the particulars are not clearly laid out. However, the Landlord's claim for return of her filing fee under s. 72 of the *Act* is dismissed without leave to reapply. The Landlord shall bear the cost of her application. Should the Landlord wish to refile, I would encourage her to organize her materials before doing so or obtain assistance in doing so.

This dismissal does not extend any time limitations that may be applicable 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*.

Dated: October 07, 2022

Residential Tenancy Branch