



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, MNDCT, RR, LRE, PSF, AAT

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution. The participatory hearing was held on October 6, 2022. The Tenants applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

Both Tenants and the Landlord attended the hearing and provided affirmed testimony. The Landlord confirmed receipt of the Tenants' application and Notice of Dispute Resolution Proceeding package, which also contained the initial batch of evidence. The Tenants uploaded a second evidence package on September 23, 2022, and stated they sent this package to the Landlord by registered mail. However, the Landlord stated he did not receive it, and only received the first package several months ago. The Tenants failed to provide registered mail tracking information to corroborate service of the second evidence package. As such, I am not satisfied the Tenants have sufficiently served their second package, and it is not admissible. However, the Tenants first Notice of Dispute Resolution Proceeding and evidence package has been sufficiently served.

The Tenants confirmed receipt of the Landlord's evidence package, although one of the Tenants stated she had to obtain a copy of the evidence from the other Tenant. Ultimately, I am satisfied she received it, and I am satisfied both Tenants were sufficiently served with the Landlord's evidence for the purposes of this proceeding.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Matters

After filing their application, the Tenants moved out on or around July 31, 2022. As such, many of the grounds initially laid out on the Tenants application are moot, and the Tenants are now only seeking monetary compensation for a variety of issues.

I have reviewed the application, the Notice of Dispute Resolution Proceeding, and the monetary worksheets provided by the Tenants, and I find there are a few issues and inconsistencies. The Tenants provided a monetary order worksheet with their application, indicating they are seeking \$2,330.00. On this same worksheet, the Tenants also indicated their total was \$2,355.00. Also, on the Tenants' application form, they indicated they were seeking monetary compensation in the amount of \$2,190.00. On the Tenants monetary order worksheet they listed that they are seeking \$200.00 per month for "yard work" but they did not provide any time frame or total for what they are seeking on this item. Then, on the Tenants' "monetary breakdown" sheet, which is a separate sheet, they indicated they are seeking only \$100.00 per month due to loss of use of the yard, which, at first pass, does not appear related to being compensated for doing "yard work". Further, the amounts are different (\$200.00 per month vs. \$100.00 per month), and it is not clear what amount is actually being sought, and for what time period. I also note the Tenants stated on their monetary breakdown sheet that they are seeking 3 months compensation at \$100.00 per month for loss of the yard, yet their total is \$400.00.

Further, the Tenants mentioned a rent increase they are taking issue with and listed it on the monetary order worksheet, but no amounts for alleged illegal rent increases were included in the overall amount sought on the Tenants' initial claim for compensation. It does not appear the rent increase amount was included in the total, yet it was listed on the worksheet and no clear explanation was attached. The rent increase was not elaborated on in the monetary breakdown, and it is not clear what the total amount sought is, and for what months.

The Tenants also uploaded copies of storage invoices, yet did not include any of these amounts in their application or on the worksheets.

Having reviewed the application, I find it is poorly organized, and does not sufficiently lay out, in a clear and consistent manner, the full particulars of the amounts sought. A significant amount of time in the hearing was spent trying to understand what the Tenants' were applying for, and how much they were seeking. I find the Tenant's lack of

clarity and detail, along with the poor organization, would be prejudicial to the Landlord and his ability to respond.

Given the above, I hereby dismiss the Tenants' application, in full, with leave to reapply, pursuant to section 59(2)(b) of the Act, as noted below.

59 (2) *An application for dispute resolution must*
(b) include full particulars of the dispute that is to be the subject of the
dispute resolution proceedings,

The tenants are at liberty to reapply for their monetary claim; however, they are encouraged to provide a clear and consistent detailed breakdown of any future monetary claim at the time the application is submitted or amended.

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 11, 2022

Residential Tenancy Branch