



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      **RR, MNDCT, PSF**

### **Introduction**

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on June 10, 2022 (the "Application"). The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order to provide services or facilities required by tenancy agreement or law;
- a monetary order for damage or compensation; and
- an order granting recovery of the filing fee.

The Tenant, the Landlord, and the Landlord's Counsel attended the hearing at the appointed date and time. At the start of the hearing, the Landlord confirmed receipt of the Tenant's Notice of Hearing and two documentary evidence packages. The Landlord stated that the last package of evidence was served to them by the Tenant in person on October 17, 2022 which is late.

The Landlord stated that they have not had to opportunity to respond to the late evidence. The Tenant confirmed they served their last documentary evidence package to the Landlord on October 17, 2022 and was under the impression that they had up until 7 days before the hearing to serve their evidence to the Landlord. The Tenant confirmed receipt of the Landlord's documentary evidence within the applicable timeline.

### **Preliminary Matters**

The parties agreed that the Tenant served her documentary evidence to the Landlord on October 17, 2022, 10 days before the hearing.

**Residential Tenancy Rules of Procedure 3.14 Evidence not submitted at the time of Application for Dispute Resolution**

Except for evidence related to an expedited hearing (see Rule 10), documentary and digital evidence that is intended to be relied on at the hearing must be received by the respondent and the Residential Tenancy Branch directly or through a Service BC Office not less than 14 days before the hearing.

I find that the Tenant breached Rule of Procedure 3.14 by waiting until October 17, 2022 to serve the respondent with the documentary evidence she intended to rely on at the hearing. I accept that this left the Landlord with insufficient time to consider, prepare and respond to the documentary evidence provided. As such, I find that the late evidence will not be considered in this decision. I find that the remaining documents outlined above were sufficiently served pursuant to Section 71 of the *Act*.

At the start of the hearing, the Landlord stated that the Applicant is not a Tenant. The Landlord stated that the Tenant named on the tenancy agreement is the mother of the Applicant. The parties confirmed that the Applicant moved into the rental unit in September 2020 to reside with her mother. The Landlord stated that the arrangement was meant to be temporary, however, in February 2021 it became apparent that the Applicant was the sole occupant of the rental unit. The Landlord confirmed that the Applicant has been paying rent to the Landlord as of September 2020. The Landlord stated that they did not give permission to the Tenant to have an additional occupant. The Landlord confirmed that she accepted rent from the Applicant since September 2020, on behalf of the Tenant.

In this case, I find that the Applicant became a co-tenant once the Landlord began accepting rent payments each month from the Applicant beginning in September 2020. I find that regardless of if the Applicant is listed on the tenancy agreement or not, the Landlord accepted the rent from the Applicant from September 2020 until when the tenancy ended in June of 2022. I find that the Applicant is a co-tenant to this tenancy and shares the same rights and responsibility as the Tenant under the *Act*.

The parties confirmed that the tenancy ended on or about June 30, 2022. As such I find that the Tenant's claim for the Landlord to provide a service or facility is a moot point, therefore, is dismissed without leave to reapply.

The hearing continued based on the Tenant's monetary claim for compensation. During the hearing, the Tenant stated that they had not provided a monetary order worksheet outlining the monetary claims. The Landlord confirmed that they were uncertain as to what items the Tenant was claiming monetary compensation for.

According to Section 59 (2) An application for dispute resolution must;

- (a) be in the applicable approved form,
  - (b) **include full particulars of the dispute that is to be the subject of the dispute resolution proceedings**, and
  - (c) be accompanied by the fee prescribed in the regulations.
- (3) Except for an application referred to in subsection (6), a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.
- (5) **The director may refuse to accept an application for dispute resolution if**
- (a) in the director's opinion, the application does not disclose a dispute that may be determined under this Part,
  - (b) the applicant owes outstanding fees or administrative penalty amounts under this Act to the government, or
  - (c) **the application does not comply with subsection (2).**

I find that proceeding with the Tenant's monetary claims at this hearing would be prejudicial to the Landlord, as the absence of particulars that set out how the Tenant arrived at the amount of \$26,255.00 makes it difficult, if not impossible, for the Landlord to adequately prepare a response to the Tenant's claims. The Tenant failed to specify a detailed breakdown of their monetary claim including the amount of each item and what each item being claimed represents in the "Details of Dispute" section of the Application.

For these reasons, the Tenant's Application is dismissed with leave to reapply. The Tenant is reminded to provide a detailed breakdown of her monetary claim and is encouraged to use the Monetary Worksheet available at [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca) when submitting a monetary claim. The Tenant may include any additional pages to set out the details of his dispute in their application, as required.

Should the Tenant choose to reapply, the Tenant is encouraged to serve the Application and documentary evidence in the manner and within the required time frames outlined above.

### Conclusion

The Tenant's Application has been refused pursuant to section 59(2)(b) of the *Act*. The Tenant is at liberty to reapply for her monetary claim; however, is encouraged to provide

a detailed breakdown of any future monetary claim at the time an application is submitted.

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 27, 2022

---

Residential Tenancy Branch