



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRT, MNDCT, RR, RP, LRE, LAT, OLC, FFT

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. The participatory hearing was held, via teleconference, on November 10, 2022. The Tenant applied for multiple remedies under the *Residential Tenancy Act* (the "Act").

Both parties attended the hearing and provided affirmed testimony. Both parties were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

During the hearing, the Tenant testified that she has already vacated the rental unit and no longer needs most of the remedies she applied for. The only issue sought by the Tenant at this time is her claim for monetary compensation.

In consideration of this, and the fact that most of the issues she applied for are now moot, I dismiss the Tenant's application in full, without leave to reapply, with the exception of her claims for monetary compensation, which will be addressed further below.

Preliminary Matters

During the hearing, it became apparent that a substantial portion of the Tenant's monetary application was not sufficiently laid out or explained. The Tenant failed to provide any breakdown as to how she arrived at the amounts sought. No monetary worksheet was provided despite the application being for a significant amount of money, about \$24,000.00. I find the Tenant failed to provide the full particulars of her monetary claim. The Landlord also appeared to be unclear as to what the Tenant was seeking.

I find the manner in which the Tenant laid out her application was confusing and lacked sufficient clarity.

I turn to the following Rules of Procedure:

2.5 Documents that must be submitted with an Application for Dispute Resolution

To the extent possible, the applicant should submit the following documents at the same time as the application is submitted:

- ***a detailed calculation of any monetary claim being made;***
- *a copy of the Notice to End Tenancy, if the applicant seeks an order of possession or to cancel a Notice to End Tenancy; and*
- *copies of all other documentary and digital evidence to be relied on in the proceeding, subject to Rule 3.17 [Consideration of new and relevant evidence].*

When submitting applications using the Online Application for Dispute Resolution, the applicant must upload the required documents with the application or submit them to the Residential Tenancy Branch directly or through a Service BC Office within three days of submitting the Online Application for Dispute Resolution.

I note the Tenant's claim is for a substantial amount of money, and many different items. I find it is prejudicial to the respondent to not have a complete monetary order worksheet explaining the amounts sought. It also makes it difficult for me to understand the nature and basis of the application.

Furthermore, I note the following portion of the Act:

- 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.
- [...]
- (5) The director may refuse to accept an application for dispute resolution if:
- [...]

(c) the application does not comply with subsection (2).

As laid out above, I find the Tenant's application did not sufficiently disclose the full particulars of his dispute. Given the totality of the situation, I dismiss the Tenant's application for monetary compensation, with leave, with the exception of the Tenant's claim to recover the cost of the filing fee, which is dismissed, without leave.

I expressed clearly to the Tenant that she must clearly lay out what she is seeking on her application, prepare one monetary worksheet, and be prepared to speak to each of the items he is seeking in an understandable manner.

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: November 11, 2022

Residential Tenancy Branch