



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PROSPERO INTERNATIONAL
REALTY and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC

Introduction, Preliminary and Procedural Matters-

This hearing convened to deal with the tenant's application for dispute resolution (application) filed on September 12, 2022, seeking remedy under the Residential Tenancy Act (Act). The tenant applied for an order requiring the landlord to comply with the Act, regulations, or tenancy agreement.

The tenant and the landlord's agents attended, and were informed that preliminary and procedural matters would be addressed at the beginning. All parties were affirmed.

On the tenant's application, the tenant was asked to provide a description of the claim. In this section, the tenant stated, "Please see included evidence for further details".

In response to my inquiry, the landlord's agent, JC, said they did not understand the claim or request in the tenant's application.

Analysis and Conclusion

At the outset of the hearing, the tenant was advised that their application was being refused, pursuant to section 59(5)(c) of the Act, because the application did not include full particulars of the dispute that is to be the subject of the dispute resolution proceedings, as is required by section 59(2)(b) of the Act.

The objective of the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) is to ensure a fair, efficient, and consistent process for resolving disputes for landlords and tenants.

In this case, the tenant wrote in their application to look at the evidence. Further, I note that the tenant has submitted evidence at different times through January 17, 2023, which I find could not have formed a basis for their application made on September 12, 2022. The tenant ought to have described the basis of their claim in their application, which could have continued to a separate page, if specifically referenced by title.

Additionally, it appears that the tenant included a monetary claim through their evidence, rather than through an amended application, which is not allowed. A monetary claim has to be specially requested as a separate issue.

I find that proceeding with the tenant's application at this hearing would be prejudicial to the landlord, as the absence of particulars that set out how the tenant's claim or request, makes it difficult, if not impossible, for the landlord to adequately prepare a response to the tenant's application.

Both parties have the right to a fair hearing and the respondents are entitled to know the full particulars of the claim made against them at the time the applicant submits their application in order to prepare a response.

Given the above, I **dismiss** the tenant's application, **with leave to reapply**, as I have made no findings of fact or law with respect to this dispute. Leave to reapply does not extend any applicable time limitation periods.

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: January 30, 2023

Residential Tenancy Branch