



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, FFT, OT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- other unspecified remedies; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

This matter was scheduled for a conference call for 1:30 p.m. on this date. Both parties participated in the teleconference and gave affirmed testimony.

Preliminary Issue – Tenants Application lacking particulars

At the outset of the hearing, I asked the applicants some basic questions to confirm their names, the landlords name, the address of the rental unit and the remedy they were seeking in their application. The tenants applied for a monetary order of \$1.00. I asked the tenants if this was the amount they were seeking. SW testified that she didn't not enter an amount on the application as she didn't know how much to ask for.

SW testified that she was not sure how much to seek when she filed the application in August 2022. When I explained that the respondent and the Branch must be advised in advance and by no later than 14 days prior to the hearing of any changes, SW testified that she had not amended the application at any point. SW then stated that a lawyer had told her about a year ago that she should try for at least five thousand dollars. SW stated that she wasn't sure how much she should ask for and left it to me to decide.

Pursuant to section 59(2)(b) of the *Act*, the tenant's application must include the full particulars of the dispute that is to be the subject of the dispute resolution

proceedings. The purpose of the provision is to provide the landlord with notice and enough information to know the tenant's claims so that they can properly respond.

Pursuant to section 59(5)(a) of the *Act*, I can refuse to accept an application if it does not disclose a dispute that may be determined. The tenants filed their own application, and, as the applicants, have the burden of proof, on a balance of probabilities, to name the correct parties, use correct legal names, apply for the correct claims, provide sufficient particulars, and evidence of their claims, and prove their claims at a hearing on a balance of probabilities.

I informed the tenants that they have failed to provide sufficient particulars of their dispute. The tenants also repeatedly asked me for legal advice throughout this hearing, which I could not and did not provide, since the tenant was unsure of her own application and the details regarding same.

Conclusion

The tenant's application is dismissed in its entirety without leave to reapply.

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: May 09, 2023

Residential Tenancy Branch