



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes MNDCT, LRE, OLC

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- a monetary order for compensation for damage or loss under the Act, Residential Tenancy Regulation or tenancy agreement, pursuant to section 67;
- an order to restrict or suspend the landlord's right of entry, under section 70; and
- an order requiring the landlord to provide services or facilities as required by the tenancy agreement or the Act, pursuant to section 62.

Both parties attended the hearing. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

As both parties were present service was confirmed. The parties each confirmed receipt of the application and evidence (the materials). Based on the testimonies I find that

each party was served with the respective materials in accordance with section 89 of the Act.

Both parties agreed the tenant moved out on May 31, 2023. The tenant authorized the landlord to retain \$200.00 from the security deposit and received the remaining \$200.00 on the move out date.

The tenant did not provide the forwarding address. The tenant agreed to receive documents via email. The tenant's email address is recorded on the cover page of this decision.

The application for an order to restrict the landlord's right of entry and for an order requiring the landlord to provide services or facilities is moot, as the tenancy has ended.

Section 62(4)(b) of the Act states an application should be dismissed if the application or part of an application for dispute resolution does not disclose a dispute that may be determined under the Act. I exercise my authority under section 62(4)(b) of the Act to

dismiss the application for an order to restrict the landlord's right of entry and for an order requiring the landlord to provide services or facilities.

The application for monetary compensation states:

I want compensation from the landlord for monetary loss under the Act, Regulations or tenancy agreement. Total amount you are seeking: \$2,000.00 + security deposit \$400.00 (or 2 months living extension)

Please provide a complete list of the items you are requesting compensation for:

I have spent about \$2,000.00 in repairs for the windows, front door, bathroom, sink, kitchen sink, floor boards around entire unit, ceiling damage (holes, etc), over the span of approx. 3 years.

The tenant did not submit receipts or a monetary order worksheet (form RTB37).

The landlord affirmed that she cannot understand the tenant's monetary claim.

Section 59(2)(b) of the Act states that an application for dispute resolution must include full particulars of the dispute that is to be the subject of the dispute resolution proceedings.

Rule of Procedure 3.7 requires the parties to provide documents in a clear, organized and legible way to ensure fairness.

The usage of form RTB 37 is not mandatory. However, applicants must ensure the submissions are clear, legible and organized.

I find the application for a monetary order has a vague description and there is no supporting documentary evidence proving details about the monetary claims.

I find that it is not fair to proceed with the hearing for the monetary claim, as the landlord could not clearly understand the tenant's monetary claims. I find that the landlord must be able to clearly understand the claims in order to present a response to the claims.

I find it is fair to grant the tenant leave to reapply for the monetary claims, as the tenant was not aware of the legal framework.

Thus, I dismiss the monetary application with leave to reapply.

Conclusion

I dismiss the monetary application with leave to reapply. I dismiss the other claims 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: June 07, 2023

Residential Tenancy Branch