



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes LL: MNDL, FFL
 TT: MNDCT, MNEVC, FFT

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “Act”).

The Landlord’s Application for Dispute Resolution was made on February 12, 2024, (the “Landlord’s Application”). The Landlord applied for the following relief, pursuant to the *Act*:

- a monetary order for money owed or compensation for damage or loss;
- an order granting recovery of the filing fee.

The Tenants’ Application for Dispute Resolution was made on March 9, 2024 (the “Tenants’ Application”). The Tenants applied for the following relief, pursuant to the *Act*:

- monetary compensation for damage or loss;
- monetary compensation relating to ending a fixed term lease; and
- an order granting recovery of the filing fee.

The Landlord, the Landlord’s Counsel, and the Tenant’s Representative attended the hearing at the appointed date and time. At the start of the hearing, the parties confirmed service and receipt of their respective Applications and evidence packages. As there were no issues raised relating to service, I find these documents were sufficiently served pursuant to Section 71 of the *Act*.

Preliminary Matters

At the start of the hearing, it was discovered that neither applicant included a monetary order worksheet outlining the full particulars of their Applications.

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 Applicants' monetary claims at this hearing would be prejudicial to the Respondents, as the absence of particulars that set out how the Applicants arrived at the total monetary claims makes it difficult, if not impossible, for the Respondents to adequately prepare a response to the Applicants' claims. The Applicants failed to specify a detailed breakdown of their monetary claim including the amount of each item and what each item being claimed represents.

For these reasons, I dismiss both Applications with leave to reapply. The parties are 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 when submitting a monetary claim.

Conclusion

The Applications have been refused pursuant to section 59(2)(b) of the *Act*. The parties are at liberty to reapply for her monetary claims; however, are encouraged to provide a detailed breakdown of any future monetary claims 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: May 28, 2024