



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes                      MNDC, FF

### Introduction

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

- a monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The landlord did not attend this hearing, which lasted approximately 13 minutes. The two tenants attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The tenants confirmed that the landlord was served with a copy of their application for dispute resolution hearing package on January 5, 2017, by way of registered mail. The tenants provided a Canada Post tracking number verbally during the hearing. The tenants claimed that they checked the Canada Post website for the tracking number, which indicated that the mail was delivered and signed for by the landlord on January 9, 2017. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was deemed served with the tenants' application on January 10, 2017, five days after its registered mailing.

At the outset of the hearing, the tenants confirmed that they thought they uploaded online evidence to the Residential Tenancy Branch ("RTB") when they filed their application in January 2017. I notified them that I had not received any written evidence with their application. I informed them that they could not upload evidence online, as they were required to submit evidence to the RTB by mail, facsimile or in person, as per Rule 2.5 of the RTB *Rules of Procedure*. This information was also contained in their notice of hearing and the "Landlord and Tenant Fact Sheet" that they received when they filed their application.

As per their application, the tenants seek compensation pursuant to a 2 Month Notice to End Tenancy for Landlord's Use of Property ("2 Month Notice") that they said the landlord issued to them. Yet, the tenants failed to submit a copy of the 2 Month Notice. The tenants failed to submit any other written evidence, including a tenancy agreement, to the RTB.

The tenants had ample time to prepare for this hearing, submit evidence and make inquiries with RTB information officers, if they were unsure of the hearing and evidence process. Their application was filed on January 1, 2017 and the hearing was held on June 22, 2017, a period of almost six months.

Pursuant to section 59(2)(b) of the *Act*, an 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 enough information to know the tenants' case so that the landlord might defend himself. I find that the tenants failed to include full particulars beyond stating that they wished to obtain compensation pursuant to a 2 Month Notice and failed to include important documentary evidence in order for me to make a decision.

For the above reasons, I informed the tenants that I was dismissing their application with leave to reapply, except for the filing fee. I notified them that they would be required to file a new application and pay a new filing fee if they wished to pursue this matter further against the landlord.

#### Conclusion

The tenants' application to recover the \$100.00 filing fee is dismissed without leave to reapply.

The remainder of the tenants' application is dismissed with 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 23, 2017

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Residential Tenancy Branch