



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding THE KAMLOOPS & DISTRICT ELIZABETH FRY SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC, FFT

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act"). The tenant applied for an order directing the landlord to comply with the Act, regulation or tenancy agreement and to recover the cost of the filing fee.

The tenant and an agent for the landlord ("agent") appeared at the teleconference hearing. The parties had the hearing process explained to them and were affirmed. The parties were also provided an opportunity to ask questions about the hearing process.

Preliminary and Procedural Matters

At the outset of the hearing, the agent was asked if she understood the tenant's claim and confirmed that she did not. The tenant was given over 30 minutes to explain why she was applying for dispute resolution and her responses ranged from "at this point everything is okay" to "I want something in writing from the landlord that all is good between us". Eventually, the tenant alleged discrimination by the landlord yet in the same sentence blamed those protesting outside of the rental building and not the landlord. The tenant appeared very confused as a result and unprepared for this hearing.

After 35 minutes, the tenant was advised that I was declining to hear her application pursuant to section 59(5)(c) of the *Residential Tenancy Act* (Act) as I find the tenant failed to provide sufficient particulars of their application for dispute resolution which is required by section 59(2)(b) of the Act and Rule 2.5 of the Residential Tenancy Branch ("RTB") Rules of Procedure ("Rules"). Specifically, the tenant failed to provide what remedy she was seeking from the landlord.

Both parties have the right to a fair hearing and the respondent is entitled to know the full particulars of the claim made against them at the time the applicant submits their application. Given the above, the tenant is granted liberty to reapply but is reminded to provide full particulars of their claim at the time they file their application. The tenant may include any additional pages to set out the details of their dispute in their application, as required.

In addition to the above, the parties were advised that the decision would be sent to their email addresses confirmed during the hearing.

I do not grant the filing fee as the tenant was not successful.

Conclusion

The tenant's application has been refused pursuant to sections 59(5)(c) and 59(2)(b) of the *Act*. The tenant is at liberty to reapply for their claim; however, are encouraged to provide a detailed summary of what remedy they are seeking from the landlord before they apply in the future.

I do not grant the filing fee.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: November 19, 2018

Residential Tenancy Branch