



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CAPITAL REGIONAL HOUSING CORPORATION  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OLC

### Introduction

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

The tenants, two articulated students for the tenants ("articled students") and two agents for the landlord ("agents") attended 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 parties were advised that the tenants' application was being refused, pursuant to section 59(5)(c) of the Act because the tenants' application did not provide sufficient particulars of their claim, as 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 tenants failed to indicate sufficient details of the violation being alleged against the landlord for loss of quiet use and enjoyment of the rental unit. I find that proceeding with the tenants' claim at this hearing would be prejudicial to the landlord, as the absence of particulars that set out how the tenants were claiming a violation of their right to quiet use and enjoyment of the rental unit makes it difficult, if not impossible, for the landlord to adequately prepare a response to the tenants' claim.

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 tenants are granted liberty to reapply but are reminded to provide full particulars of their claim when they submit their application.

In addition to the above, as both parties provided email addresses, the parties will receive this decision by email at the email addresses confirmed during the hearing.

As the filing fee was already waived I do not need to address the filing fee.

### Conclusion

The tenants' application has been refused pursuant to sections 59(5)(c) and 59(2)(b) of the *Act*. The tenants are at liberty to reapply for their monetary claim; however, are encouraged to provide a detailed breakdown of any future claim at the time an application is submitted in accordance with Rule 2.5 of the RTB Rules.

This decision does not extend any applicable timelines under the *Act*.

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: April 3, 2019

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Residential Tenancy Branch