



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding HASSY HOLDINGS LTD., INC. NO. BC0795883 and
STERLING MANAGEMENT [and tenant name is suppressed to protect privacy]

DECISION

Dispute Codes RPP

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on October 14, 2022, wherein the Tenant sought an Order pursuant to section 65(1)(e) for return of his personal possessions.

The hearing of the Tenant's Application was scheduled for 1:30 p.m. on February 24, 2023. Both parties called into the hearing. The Tenant called in on his own behalf. The Landlord was represented by M.K., the Property Manager, and W.N., the Associate.

Preliminary Matter

An Applicant must provide sufficient particulars to proceed with a dispute resolution proceeding pursuant to section 59(2)(b) of the *Residential Tenancy Act*, which provides as follows:

Starting proceedings

59 (1)[Repealed 2006-35-83.]

(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.

Section 59(2)(b) of the *Act* requires an applicant to provide full particulars of their claim to ensure the respondent is able to respond to the claim. Hearings before the Residential Tenancy Branch are conducted in accordance with the *Act*, as well as the

Residential Tenancy Branch Rules of Procedure and the Principals of Natural Justice. One of the Principals of Natural Justice is that a party to a dispute has the right to know the claim against them, the opportunity to receive and meaningfully respond to any evidence filed by the other party, and an opportunity to attend the hearing and respond to the claim. The *Rules of Procedure* and the Principals of Natural Justice ensure fairness in such proceedings; as well, when a party receives full particulars and full disclosure of the claim made against them there is an increased opportunity for settlement.

In this case I find the Applicant failed to provide full particulars of their claim. They simply wrote that they sought return of their personal possessions without providing any details of the requested possessions or any evidence to support such a claim such as photos, receipts, or even a list of requested items. The only evidence submitted by the Tenant were corporate searches relating to the Landlord.

The Landlord's representative, M.K., also stated that he did not understand the Tenant's claim as the tenancy ended pursuant to an Order of Possession granted in October of 2022 and that at the time the tenancy ended the Tenant removed all of their items.

I find the Tenant has failed to provide full particulars and as such I find the Landlord was not afforded a fair and reasonable opportunity to respond. I therefore dismiss the Tenant's claim pursuant to section 59(2)(b) of the *Act*. The Tenant is at leave to reapply for return of their items and is encouraged to seek assistance to ensure any future claims comply with the *Act*, and the Principals of Natural Justice. This does not extend any time limits imposed by the *Act*.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: February 24, 2023

Residential Tenancy Branch