



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes MNR, MNSD, MNDC, FF, O

Introduction

This matter dealt with an application by the landlord for a monetary order for compensation for loss of revenue.

The landlord appeared at the hearing and provided evidence that the tenant had been served the notice of this hearing and application via registered mail on July 16, 2008, via registered mail. The tenant did not appear at the hearing, but I am satisfied that they were properly served the notice as required.

Issues(s) to be Decided

Is the landlord entitled to a monetary order for loss of revenue as claimed?

Background and Evidence

The basis of the landlord's claim is that he and the tenant entered into a tenancy agreement and that the tenant then did not move in, causing the landlord to lose revenue and to incur expenses to re-rent the rental unit.

The landlord prior to the hearing had not provided any documentary evidence by way of a tenancy agreement to show that any agreement had indeed been reached. The landlord provided an application by the tenant, but no indication that both parties had entered into a tenancy agreement.

At the hearing, the landlord stated that a tenancy agreement had been drafted, but that the tenant had not signed it.

Analysis

The burden of proof is upon the landlord to show that there had been an agreement, and that the tenant's breach of that agreement resulted in a loss of rental revenue. The landlord has not provided any evidence at this hearing to substantiate such a claim.



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Conclusion

I dismiss the landlord's application with leave to re-apply.

Dated: September 22, 2008

Dispute Resolution Officer