

DECISION

Dispute Codes

MND, MNDC, MNR, MNSD

Reasons

This hearing was rescheduled from an earlier date before a different Dispute Resolution Officer.

The hearing involved cross-applications made by each party.

The Tenant had portions of his claim dismissed in the earlier hearing, but was still claiming against the security deposit. The Tenant requested an adjournment, through his Agent, as the Tenant was ill. No one appeared on behalf of the Tenant.

The Landlord refused to agree to an adjournment, as was her right, as she argued the dispute had been going on for some time.

Therefore, I dismiss the Tenant's claim, with leave to reapply against the security deposit only.

In evidence to support her Application, the Landlord had written statements from witnesses regarding alleged damages to the unit by the Tenant. The Landlord did not submit any documentary evidence to support her monetary claim regarding losses as a result of the alleged damages to the unit. For example, she did not submit the written tenancy agreement, nor did she submit receipts for cleaning, or repairs to the unit.

The Landlord stated she could provide those and other documents after the hearing.

When I explained that evidence must be provided five days in advance of the hearing the Landlord became argumentative and rude. She argued that the Tenant had provided no evidence and stated she felt the Act and the Officer were biased.

The Landlord continually wanted to argue about the claims made by the Tenant and his lack of evidence, which I explained were not relevant to her claim. I requested she focus on her own claim. The Landlord then began making inappropriate comments regarding the Dispute Resolution Officer and the relevance of the Officer to the process.

The Officer discontinued the call when the Landlord began making threatening comments about contacting persons in a position of authority over the Officer, as I found the Landlord had become irrational, quarrelsome and antagonistic.

As the Landlord had provided insufficient evidence to support her claim, I dismiss her claim.

Despite her inappropriate behaviour during the hearing, I find that there may be merit to the Landlord's claim, and therefore, I grant her 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 02, 2009.

Dispute Resolution Officer