

## **DECISION**

Dispute Codes      MNDC, FF, O

### Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, seeking monetary compensation under the Act or tenancy agreement.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

### Issues(s) to be Decided

Is the Landlord entitled to the compensation claimed.

### Background and Evidence

The parties were involved in an earlier dispute, where the Landlord was ordered to pay the Tenants double their security deposit.

The Landlord now claims for repair of carpet under a couch, repair of a garburetor, a \$100.00 fine from the municipality and a \$50.00 fine from the Strata where the rental unit is located.

The Landlord testified the Strata council has fined her \$50.00. She testified during the hearing that the only way she can pay this is to wait until the unit is sold, as the Strata council will place the fine on her title to the property.

The Landlord also testified that although the municipality has not fined her the \$100.00, her information from the bylaw office of the municipality is that they have up to a year to send out an invoice.

### Analysis

Based on the foregoing, the testimony and evidence, and a balance of probabilities, I find that the Landlord's claim must be dismissed.

The municipality has not yet fined the Landlord, and it is doubtful they will, as the letter from the municipality is clearly a warning letter only. Her testimony regarding the possibility of being fined for up to a year, despite the fact that the Tenants have vacated the unit, is premature at best and spurious at worst.

Likewise, I found the Landlord's testimony regarding the fine from the Strata to be an attempt to intentionally mislead the proceeding, with obfuscating evidence. As the Landlord testified she is a member of the Strata council where the rental unit is located, she is well aware of the correct process wherein a Strata may add a fine to the title of the property.

As I doubted the veracity of the testimony of the Landlord on these and other issues during the hearing, I find it brings her entire claim into question. Therefore, the Landlord's claim is dismissed without leave to reapply.

### Conclusion

The Landlord's claim is dismissed without leave to reapply, as the testimony of the Landlord brought the veracity of the entire claim into question.

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: August 31, 2009.

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Dispute Resolution Officer