

## **DECISION**

Dispute Codes      MNDC, RP, LRE, LAT, FF

### Introduction

This hearing dealt with an application by the tenant for a monetary order, an order that the landlord perform repairs, an order suspending the landlord's right to enter the rental unit and an order authorizing the tenant to change the locks on the rental unit. Both parties participated in the conference call hearing.

At the hearing the parties agree that the tenant had vacated the unit on March 31. The tenant confirmed that the only claim she wished to proceed with was the claim for a monetary order.

### Issue to be Decided

Is the tenant entitled to a monetary order as claimed?

### Background and Evidence

The parties agreed that the rental unit is one of two suites located in the basement of a home in which the landlord resides on the upper floor. The parties further agreed that the control for the furnace is located on the upper floor. The tenant testified that during her 3 month tenancy the landlord did not turn on the heat despite repeated requests to do so. The tenant further testified that at one point, another tenant rented the suite immediately beside the rental unit and moved out after one week because there was no heat in the unit. The tenant seeks compensation for the discomfort of living for 3 months without heat.

The landlord testified that he always had the heat turned on in the house. The landlord denied that there was a tenant who moved out of the other basement suite due to insufficient heat and testified that his family uses the second suite for themselves or their relatives.

### Analysis

The tenant bears the burden of proving her claim on the balance of probabilities. Neither of the parties provided any corroborating evidence whatsoever, such as witness testimony or temperature readings. Because the oral testimony of the parties is in such conflict and both testimonies are credible, I find that the tenant has not tipped the scales to persuade me that it is more likely that there was inadequate heat in the rental unit.

### Conclusion

I find that the tenant has not met the burden of proving her claim and the claim is therefore dismissed.

Dated: April 08, 2010

---