



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC

Introduction

Some written arguments have been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on November 3, 2010, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for a monetary order for \$25,000.00

Background and Evidence

The applicant testified that:

- He was physically moved into this rental unit against his will, by his previous landlord.
- His security deposit from his previous tenancy was given to this landlord, also against his will.
- He has made one rent payment since moving in, however he was advised to hold any further rent until satisfaction was achieved.

- This landlord has made it very uncomfortable for him in the rental unit and has caused him a lot of stress and he has not been able to come to a tenancy agreement with the landlord.
- The landlord has also removed his access to some of the services previously provided such as laundry and parking.
- Due to the stress caused by the constant harassment from the landlord he has not been sleeping and has lost his appetite.

The applicant is therefore requesting an order for \$25,000.00 for the stress caused by the respondent.

Analysis

The applicant has made many allegations against the respondent however he has provided no evidence in support of his allegations, it is just his word, and it is my decision and that is not sufficient evidence for me to make a finding against the respondent.

First of all the applicant has provided no evidence to support his claim that he has suffered constant harassment from the landlord.

Secondly the applicant has provided no evidence to support his claim that he is suffering negative effects due to stress.

Therefore it is my decision that I am not willing to issue any monetary order against the landlord for stress.



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The applicant was also requesting the return of his security deposit; however the tenant only vacated this rental unit one week ago and therefore there is no requirement for the landlord to return the security deposit at this time.

The Residential Tenancy Act allows the landlords 15 days from the end of the tenancy, or the date they get a forwarding address in writing, whichever is later, to return the security deposit, or apply for dispute resolution to keep the security deposit.

Conclusion

This application is dismissed in full without leave to re-apply.

The filing fee for this application had been previously waived, however since the application has been dismissed, I order that the applicant repay the \$100.00 filing fee, to the Director of the Residential Tenancy Branch.

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: November 24, 2010.

Dispute Resolution Officer