

DECISION

Dispute Codes MND, MNR, MNDC, FF

This is an application filed by the Landlord for a monetary order for damage to the unit, site or property, for unpaid rent or utilities, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement and recovery of the filing fee.

Both parties attended the hearing in person. The Landlord attended with the assistance of an interpreter, H.A.

At the beginning of the hearing it was discovered that the Landlord has failed to serve any evidence on the Tenant or file any with the Residential Tenancy Branch. The Landlord at this time requested that the evidence be admitted. The Tenant states that she has had no notice of any of the evidence that the Landlord wishes to submit. The evidence procedure was noted on the file as being explained to the Landlord during the application process from an information officer. The Landlord disputes this stating that the interpreter that she retained did not explain the evidence rules. I find that the acceptance of this late evidence would prejudice the other party and find that it is not admissible. With no compelling evidence over the Landlord's disputed claim, I find that the Landlord has failed to establish her claim. The Landlord's claim is dismissed.

Conclusion

The Landlord's application is dismissed without 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: October 26, 2011.

Residential Tenancy Branch