

DECISION

Dispute Codes: MNR, FF

Introduction

This hearing was scheduled in response to the landlord's application for a monetary order as compensation for unpaid rent / and recovery of the filing fee. The landlord attended and claimed that she served the tenant with the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail. However, the tenant did not appear.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

The landlord claims that she entered into a written 1 year fixed term tenancy agreement with the tenant effective October 1, 2011. Monthly rent was \$1,000.00 and the landlord collected a cheque from the tenant for the security deposit. However, the tenant's cheque for the security deposit did not clear and the tenant never actually moved into the unit. New renters were found for the unit effective sometime during the middle of November 2011.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Residential Tenancy Branch Rules of Procedure, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

The Residential Tenancy Branch Rules of Procedure defines "Evidence" as follows:

any type of proof presented by the parties at a dispute resolution proceeding in support of the case, including:

- Written documents, such as the tenancy agreement, letters, printed copies of e-mails, receipts, pictures and the sworn or unsworn statements of the witnesses;
- Photographs, videotape, audiotape, and other physical evidence;
- Oral statements of the parties or witnesses given under oath or affirmation.

There is no documentary evidence whatsoever before me in support of this application. Simply, the file contains the landlord's application for dispute resolution and the notice of hearing.

Conclusion

In the absence of sufficient evidence to support the landlord's claims, the application is hereby dismissed with 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: December 29, 2011.

Residential Tenancy Branch