

DECISION

Dispute Codes MNDC

Introduction

This is an application filed by the Tenant for a monetary order for compensation for loss under the Act, regulation or tenancy agreement.

Both parties attended the hearing by conference call and gave testimony. The Tenant submitted an evidence package, which the Landlord has acknowledged receiving. The Landlord did not submit evidence. As such, I find that both parties have been properly served with the notice of hearing and any evidence packages under the Act.

Issue(s) to be Decided

Is the Tenant entitled to a monetary order?

Background and Evidence

The Tenant is seeking compensation of \$2,110.00 for stolen property which the Tenant states is through the negligence of the Landlord. The Landlord disputes this. The Tenant has submitted copies of receipts for a Canon Camera for \$312.00, Panasonic Camera for \$278.00 and a Oris Ladies Watch for \$1,530.00. The Tenant has provided photographs of a locked side gate and a kitchen window. The Tenant states that the cross bar on the side gate and the external water tap spigot under the kitchen sink window provided an access point for thieves. The Tenant states that this explanation was provided by the police as to how she was robbed. The Tenant states that a window screen was torn off and the window slid open. The Landlord argues that the Tenant left the window closed but unlocked. The Tenant confirms this in her direct testimony. The Tenant states this resulted in the loss of personal property.

Analysis

I find based upon both the direct testimony and the evidence submitted by the Tenant and Landlord that the Tenant has failed to establish a claim. The Tenant has not provided any evidence of negligence on the part of the Landlord that would have resulted in the break-in. The Tenant's own direct testimony confirmed by the Landlord states that the Tenant left her kitchen window unlocked. The Tenant has never

provided notice to the Landlord that security was an issue prior to the break-in. As such, I find that the Tenant has failed in her claim and the application is dismissed without leave to reapply.

Conclusion

The Tenant's application is dismissed.

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: February 14, 2012.

Residential Tenancy Branch