

DECISION

Dispute Codes MNDC, LRE, O

Introduction

This is an application filed by the Tenant for a monetary order for compensation for damage or loss under the Act, to suspend or set conditions on the Landlord's right to enter the rental unit.

Both parties attended the hearing in person and gave testimony.

It was clarified by the Tenant at the beginning of the hearing that he was only seeking a monetary order for \$300.00 as compensation for a breach of security that the Landlord allowed a person into the property. The Tenant has withdrawn his request to suspend or set conditions on the Landlord.

During the hearing, the Landlord also clarified that the proper name for service for the Landlord should be 455 Abbott St. Ltd. Partnership. The Tenant has made no dispute. The file shall be amended to reflect this Landlord's name change and any subsequent decisions or orders.

Issue(s) to be Decided

Is the Tenant entitled to a monetary order?

Background and Evidence

The Tenant seeks monetary compensation of \$300.00 for the cost of 3 meals a day at \$5.00 per meal, totalling \$210.00 and the remainder for compensation for vacating the rental unit for 14 days from January 27, 2012 until February 10, 2012.

The Tenant states that the Landlord allowed the witness, A.S. into the property (but not the rental unit) when she was banned from the building. The Tenant states that he has personal safety issues regarding the witness. The Tenant relies on a letter dated January 27, 2012 that the witness signed, who states that the Landlord's Agent attended the Tenant's room and performed a "room check". The Tenant states that the Landlord illegally entered his room without permission. In the Tenant's direct testimony

he stated that he did not invite nor did he deny entry to the Landlord. The Landlord disputes this stating that the Landlord attended as a result of a noise complaint from another Tenant. The Tenant states that the Landlord has not provided any proof of the noise complaint. The Landlord has provided an audio recording of the Tenant's witness, A.S. who states in a telephone message that she apologizes to the Landlord for the problem with the Tenant and that she was forced to write the statement against her wishes. When prompted to address the discrepancy the witness, A.S. stated that she did not wish to comment.

Analysis

As both parties have attended the hearing and have made detailed reference to the evidence submitted by the other, I am satisfied that each has been properly served with notice of hearing and evidence package of the other under the Act.

I find on a balance of probabilities that the Tenant has failed to establish a claim for monetary compensation. The Tenant has failed to provide any details of loss. I also find that the statement being relied upon by the Tenant is in direct conflict with her audio message left with the Landlord. As such, I find this witness's evidence in conflict and is not reliable. The Tenant's application is dismissed without leave to reapply.

Conclusion

The Tenant'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: February 22, 2012.

Residential Tenancy Branch