



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OPT, OLC

Introduction

This hearing was convened in response to an application filed by the tenant seeking:

1. A monetary Order for compensation for damage or loss in the sum of \$5,000.00;
2. An Order of Possession for the Tenant; and
3. An Order that the landlord comply with the Act.

The tenant gave evidence that he served the landlord with his application and with notice of this hearing by way of personal service.

Issue(s) to be Decided

Has the tenant met the burden of proving his claims?

Background and Evidence

The tenant says he moved into the rental unit on March 1, 2012. The tenant testified that his rent was \$450.00 per month and was increased to \$800.00 per month when his girlfriend moved in. The tenant says that on April 18, 2012 the landlord changed the locks on his rental unit and has not let him in to his suite since that time. The tenant says that on May 2, 2012 the landlord moved all of his belongings out of his rental unit and stored them with a drug addict. The tenant says that some of his belongings have been stolen. The tenant testified that he paid his rent in full for April and despite having been denied access to his rental unit since April 18, 2012 he also paid his rent in full for May 2012 on the belief that he would be regaining access to the rental unit. The tenant says he does not have any records of the cash payments he made because the landlord does not provide receipts. The tenant did submit a copy of a cheque from BC Employment and Assistance payable to the landlord in the sum of \$375.00. The tenant says he is claiming recovery of his rent for April and May and he is seeking \$70.00 per day for hotel costs and \$30.00 per day for food. The tenant provided no documentary evidence with respect to his expenses. The tenant says he is claiming these sums

because someone at the Residential Tenancy Branch told him to do so but no one told him he had to submit evidence to support his claims. The tenant says that he did not believe he could submit documentary evidence because the hearing was by way of conference call.

Analysis

The tenant has failed to produce any documentary evidence to support the sums claimed. His application for a monetary award is therefore dismissed as unproven.

The tenants claim for an Order of Possession is dismissed because the tenant has failed to supply sufficient evidence to show that no one else is currently living in the rental unit in which case any such Order could adversely affect an uninvolved third party.

Overall the tenant has failed in the burden of proving his claims.

The tenant stated that he has no address to receive a mailed copy of this Decision. When asked if he wished to pick up a copy of the Decision he stated he has no funds with which to travel to the Residential Tenancy Branch to do so. When asked where a copy of the Decision could be mailed the tenant told the Dispute Resolution Officer that she was "...a goof..." and he hung up. A copy of this Decision will therefore be mailed to the tenant's address as listed in the Application for Dispute Resolution.

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: May 14, 2012.

Residential Tenancy Branch