



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, FF

Introduction

This matter dealt with an application by the Landlord for a Monetary Order for compensation for damage to the unit, site or property and to recover the filing fee for this proceeding.

The Landlord said they served the Tenant with the Application and Notice of Hearing (the “hearing package”) by registered mail on April 23, 2012 and by personal delivery to the Tenant’s son at the Tenant’s son’s rental unit. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord’s hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant’s absence.

At the start of the Hearing the Landlord was questioned why there was no supporting evidence submitted with the application. The Landlord said he just did not submit any of receipts and other evidence that would prove his claims.

For a monetary claim for damage or loss to be successful an applicant must prove a loss actually exists, prove the loss happened solely because of the actions of the respondent in violation to the Act, the applicant must verify the loss with receipts or invoices and the applicant must show how they mitigated or minimized the loss.

Since the Landlord has not provided any evidence to support his claims I dismiss the application with leave to reapply due to lack of evidence.

Conclusion

The Landlord’s application is 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*.

Residential Tenancy Branch