

DECISION

Dispute Codes O, MNSD, FF

Introduction

This is an application filed by the Tenant for a monetary order for the return of double the security deposit and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. The Tenant submitted a copy of the Canada Post Customer Receipt. The Landlord did not submit any documentary evidence. As both parties have attended the hearing and both have confirmed receipt of the notice of hearing, I am satisfied that both parties have been properly served.

Issue(s) to be Decided

Is the Tenant entitled to a monetary order?

Background, Evidence and Analysis

Both parties agreed that no signed tenancy agreement exists. The Tenant states that a \$750.00 security deposit was paid to the Landlord. The Landlord stated that no security deposit was paid.

The onus or burden of proof is on the party making the claim. In this case the Tenant is responsible as he has made the application. When one party provides evidence of the facts in one way and the other party provides an equally probable explanation of the facts, without other evidence to support their claim, the party making the claim has not met the burden of proof, on a balance of probabilities, and the claim fails. The Tenant has not provided any supporting evidence to establish his claim. I find that the Tenant has not been able to satisfy me of how much the security deposit was. The Tenant's application is dismissed.

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: August 10, 2012.

Residential Tenancy Branch