

DECISION

Dispute Codes MND, MNR, MNDC, MNSD, FF

Introduction

This is an application filed by the Landlord for a monetary order for damage to the unit, site or property, for unpaid rent or utilities, for money owed or compensation for damage or loss, to keep all or part of the security deposit and the recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. The Landlord has submitted a monetary order worksheet and an email as documentary evidence. The Tenant has not submitted any documentary evidence. The Tenant states that she did not receive the email. I find that as the email was an exchange between the two parties, which the Tenant has acknowledged that took place that there is no prejudice in allowing it for this hearing. I find that as both parties have attended and have acknowledged receiving the notice of hearing package that both parties have been properly served.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to retain the security deposit?

Background, Evidence and Analysis

Neither party has provided any information about the tenancy. The Landlord seeks a monetary order for \$1,015.00 which consists of \$150.00 for rail painting, \$15.00 for 2 vents, \$80.00 for 6 tiles in kitchen, \$30.00 for a sink side out, \$250.00 for floor damage, \$50.00 for a plugged toilet and \$440.00 for unpaid May rent. The Tenant disputes these claims by the Landlord. The Landlord states that she has all of the receipts and evidence for these claims but did not submit them because she just returned from a trip to Fiji.

As explained to the parties during the hearing the onus or burden of proof is on the party making the claim, in this case the Landlord is responsible as they have 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. I find on a balance of probabilities that the Landlord has failed in their application for a monetary order. The Landlord has failed to provide sufficient evidence to satisfy me in order to establish their claim. The Landlord's application is dismissed.

Conclusion

The Landlord'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: September 05, 2012.

Residential Tenancy Branch