



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: MNR OPR MNSD FF

### **Introduction:**

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55 as the tenant appears to have abandoned the home without paying rent;
- c) An Order to retain the security deposit pursuant to Section 38; and
- d) An order to recover the filing fee pursuant to Section 72.

### **SERVICE:**

The landlord/applicant did not attend. The tenant's representative attended and said that the Application for Dispute Resolution was received by registered mail. I find that the tenant was properly served with the documents according to sections 88 and 89 of the Act.

### **Issue(s) to be Decided:**

Is the landlord entitled to an Order of Possession and to a Monetary Order for rental arrears and filing fee?

### **Background and Evidence:**

The landlord/applicant did not attend the hearing. After waiting 15 minutes, the tenant's representative was invited to provide some evidence. He said his daughter had left the unit for health reasons as there was an extreme mouse infestation. He said she may have owed rent but he has no idea what damages were caused by her or guests; he said the premises were in bad condition at move-in. Only some photographs were provided by the landlord as evidence and the tenant's representative said there is no evidence as to when they were taken and exactly what they show.

No Notice to End Tenancy is in evidence. Only some photographs with no explanation were provided.

On the basis of the solemnly sworn evidence presented at the hearing, a decision has been reached.

**Analysis and Conclusion:**

The onus is on the landlord/applicant to prove on a balance of probabilities the amount of rent owed plus any damages that are claimed were caused by the tenant, that they were beyond reasonable wear and tear and the amount to repair the damages.

I find insufficient documentary evidence was provided and the landlord did not attend the hearing to support his application. I find the landlord not entitled to an Order of Possession or a monetary order. However, I note the tenant's representative has confirmed that the tenant has vacated the property.

I dismiss this application 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*.

Dated: May 21, 2013

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Residential Tenancy Branch

