



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD and MNDC

### Introduction

By application of June 28, 2013, the tenant sought a Monetary Order for return of his security deposit and compensation under section 51(2) of the *Act* on the grounds that the rental unit was not used for the purpose stated on a notice to end tenancy for landlord use.

The tenant has provided no evidence in support of his claims except for a copy of a handwritten note to the landlord dated as, "June 1 (approx)" and bearing the notation "faxsimile)." The tenant stated that he had actually served the document to the landlord in person but, at what he believed to be the instructions of a branch staff member, he recreated the document from memory and submitted a copy into evidence.

In addition, the landlord did not participate in the telephone conference call proceeding. The tenant stated that he had served the landlord with the notice of hearing in person but had no proof of such service. Similarly, the tenant did not submit a copy of the rental agreement, proof of having paid a security deposit, or a copy of the notice to end tenancy.

He believed the branch staff had copied some documents for him, but it is not their practice to do so. The tenant stated that he believed he could obtain copies of some of the documents from social assistance.

The tenant stated that he suffers from memory difficulties due to medical issues.

Therefore, I dismiss the present application but I will grant the tenant leave to reapply with the suggestion that he consider seeking the assistance of a tenant support group.

Conclusion

This application is dismissed for want of evidence and proof of service 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: August 06, 2013

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Residential Tenancy Branch

