



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC

### Introduction

This was the hearing of an application by the tenant for a monetary award. The hearing was conducted by conference call. The tenant called in with her witness. The landlord also called into the hearing, but he did not call in until approximately 15 minutes after the commencement of the hearing.

### Issue(s) to be Decided

Is the applicant entitled to a monetary award from the respondent?

### Background and Evidence

The tenant testified that in September, 2013 she made an agreement to rent accommodation from the landlord in the basement of his house in Surrey. The basement suite was rented by her friend. According to the applicant, her friend, Ms. G.C. rented a one bedroom apartment from the landlord. The landlord offered to rent a second bedroom on the basement to the applicant and allow her to share the kitchen and other facilities with G.C. The tenant said she paid \$170.00 to G.C. to be given to the landlord on September 23, 2013, but the landlord did not allow her to occupy the room and did not refund the \$170.00 paid to her. The tenant's witness said that the landlord confirmed to her that he received the \$170.00. The tenant said that the landlord signed certain documents, including an "intent to rent" document from the Ministry of Social Services. She said that she had a voice recording of the landlord that confirmed that he received a payment from her.

The landlord testified at the hearing; he said that he was prepared at one point to rent a room to the applicant, but she did not sign a rental agreement and never paid a sum of money to him for rent. The landlord said that he did not receive a payment from the tenant or from Ms. G.C. on behalf of the tenant.

The applicant participated in an earlier dispute resolution hearing conducted on November 7, 2013. The applicant took part in the earlier hearing; during that hearing the landlord expressed a concern that the applicant was living in the rental unit without permission and the tenant in that proceeding denied that the applicant was living with her in the rental unit.

### Analysis

The applicant has applied for a monetary order in the amount of \$170.00 said to have been paid to the landlord by the applicant by way of Ms. G.C. who gave the money to the landlord on her behalf. The landlord denied receiving any such payment. At the hearing the applicant claimed to have documents and a voice recording that supported her position, but she did not provide any of the material. Her application was filed on September 30, 2013. The tenant has had several months to submit evidence to support her claim but she has not done so and it would be unfair to the respondent allow an adjournment at this time for the tenant to submit documents that could have been provided before the hearing. The applicant has the burden of proving, on a balance of probabilities, that she has a claim under the *Residential Tenancy Act* and that she is entitled to a monetary award from the landlord. The applicant has not met the burden of proof; I am not satisfied that she paid a sum of money that was intended to be rent and that such a payment was received by the landlord.

### Conclusion

The tenant's application is dismissed without 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: January 03, 2014

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Residential Tenancy Branch

