



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNDC, MNSD, OLC, RPP*

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for a monetary order for the return of the security deposit, rent and his personal items.

The landlord did not attend the hearing. The witness testified under oath that he had served the landlord with the notice of hearing in person, at her residence but she refused to accept it. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the tenant entitled to a monetary order?

Background and Evidence

The tenant testified that he moved into the basement of the landlord's home on November 24, 2014. His rent for December (\$400.00) and the security deposit (\$200.00) was paid by social assistance. The tenant did not have a written tenancy agreement and also did not file any proof of payment.

The tenant stated that two days into the tenancy, a previous occupant of the basement returned to live in the basement and they got into an altercation. The tenant stated that he got beat up and left the unit to call the police who escorted him back to the rental unit.

The tenant stated that on the next day, the landlord asked him to move out and he did so on November 29, 2013. The tenant testified that he requested the landlord to return his rent for December and the security deposit and the landlord refused to do so.

Therefore the tenant made this application for dispute resolution for the return of rent for December, the security deposit and his personal belongings. The tenant stated that due to the problems in the rental unit, he did not return to retrieve his belongings and therefore was unable to provide evidence of having paid the amounts that he is claiming.

Analysis

Based on the undisputed testimony of the tenant, I find that the tenant did not have the opportunity to return to the rental unit and was therefore unable to provide evidence to support his claim. The tenant stated that he will attend the social assistance office and request proof of payment.

Due to the circumstances under which the tenant was required to move out, I allow the tenant one more opportunity to file this claim. Accordingly, I dismiss this application with leave to reapply.

Conclusion

The tenant's application is dismissed 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: February 06, 2014

Residential Tenancy Branch

