



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This matter dealt with an application by the Landlord for a Monetary Order for unpaid rent and to recover the filing fee for this proceeding.

The Applicant said she served the Respondent with the Application and Notice of Hearing (the “hearing package”) by registered mail on December 24, 2013. Based on the evidence of the Applicant, I find that the Respondent was served with the Applicant’s hearing package as required by s. 89 of the Act and the hearing proceeded in the Respondent’s absence.

At the start of the conference call the Applicant said they were renting the unit from the owner and were subletting to the Respondent. The Applicant said they did not have a tenancy agreement with the Respondent but he did sign the tenancy agreement with the owner although his name was not on the agreement. The signature that the Applicant claims to be the Respondent’s signature is illegible. The Applicant said she did not have any additional evidence to prove the tenancy or the terms of the tenancy with the Respondent. Consequently I find the Applicant has not met the burden of proving that a tenancy existed between the Applicant and the Respondent. Without the Respondent present it is unclear if the Respondent was a tenant or just an occupant in the rental unit. As a result of a lack of evidence I dismiss the Applicant’s application with leave to reapply.

Conclusion

The Applicant'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: April 09, 2014

Residential Tenancy Branch

