



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, MNDC

Introduction

This was the hearing of an application by the landlord for a monetary order and an order to retain the tenant's security deposit. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not attend

Issue(s) to be Decided

Is the landlord entitled to a monetary award and if so, in what amount?

Background and Evidence

The landlord claimed in his application for dispute resolution that the tenant moved out of the rental unit before the end of the tenancy without paying rent, that he damaged the landlord's property and that the landlord was fined by the strata corporation as a consequence of the tenant's actions. The landlord did not submit any documentary evidence in support of his application.

Analysis

The landlord said at the hearing that he had documents to support his claim, but he was not told that he needed to supply copies to the Residential Tenancy Branch or to the tenant. It is up to the landlord to provide the evidence required to prove his claim. In this case the expected evidence would include a copy of the residential tenancy agreement, an invoice for any strata fines and a letter from the strata corporation describing the reasons for the fines. If there is a claim for unpaid rent the landlord should supply a record of the rent payments and a notation of the payments that were not made. If there is a claim for loss of rental income because the tenant moved out before the end of a fixed term tenancy then there should be evidence to show what steps the landlord took to re-rent the unit. If the landlord is claiming for damage to the

rental unit, then he should provide copies of the move in and move out condition inspection reports, photos of the alleged damage and invoices for the cost of repairs. Copies of all these documents must be provided to the Residential Tenancy Branch and to the tenant before the hearing, as set out in the Rules of Procedure.

Conclusion

In the absence of any documentary evidence to support the landlord's claims, this 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: July 03, 2014

Residential Tenancy Branch

