



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RR MNDC MNSD

Introduction

This was an application under the *Residential Tenancy Act* (the Act) by the tenant requesting orders as follows:

- (a) A monetary order for a refund of the security deposit and a rebate for half of the rent for two months because the landlord failed to remove his possessions and garbage as promised and failed to provide a tenancy agreement.

SERVICE:

The landlord did not attend. The tenant said she had served the landlord by registered mail with the Application/Notice of Hearing but was unable to provide proof of service. I find insufficient proof of service.

Issues(s) to be Decided

Has the tenant proved on the balance of probabilities that they are entitled to a refund of rent for partial loss of use of the property and to the return of their security deposit?

Background and Evidence

The tenancy began in April 1, 2014 with rent set at \$1000.00 and the tenant paid a security deposit of \$500. The tenant testified that they vacated the property and the landlord returned their security deposit so the security deposit is no longer an issue. They claim half of the rent paid for the months of April and May for loss of use of a portion of the rented property. They claim the landlord left many personal items and garbage on the property so they were deprived of the full use of the property and could not move in properly.

No documentary evidence was provided. The tenant was advised of the onus of proof and evidence requirements.

Analysis

I find insufficient evidence that the landlord was legally served with the Application/Notice of Hearing. Furthermore, I find the tenant submitted insufficient evidence to support her statements.

Conclusion

I dismiss this Application for the reasons stated above and give the tenant leave to reapply within the legislated time limits. No filing fee is awarded as the hearing was unsuccessful.

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 05, 2014

Residential Tenancy Branch

