



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes LRE, RR, MNDC, ERP, RP

Introduction

This hearing dealt with an application by the tenant seeking a monetary order for money owed or compensation for damage or loss suffered under the Act, regulation or tenancy agreement, an order to have the landlord comply with the Act, an order to have the landlord make emergency repairs for health and safety reasons, an order for the landlord to make repairs to the unit, site or property, an order to suspend or set conditions on the landlords right to enter the rental unit and an order to allow the tenant to reduce rent for repairs, services, or facilities agreed upon but not provided. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

Issues to be Decided

Is the tenant entitled to any of the above under the Act, regulation or tenancy agreement?

Background and Evidence

The tenant gave the following testimony:

The tenancy began on or about June 3, 2014 and ended on September 9, 2014. Rent in the amount of \$450.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$225.00. The tenant stated that the landlord turned off the hydro and water to the unit. The tenant stated that due to the landlords' actions she has become ill with an intestinal virus and has been hospitalized since September 8, 2014. The tenant

stated that she was calling in from the isolation unit of the hospital. The tenant is seeking \$3000.00 as compensation.

The landlord gave the following testimony:

The landlord adamantly denies turning off any of the services of facilities to the home. The landlord stated that this is a professional tenant that abuses the system. The landlord stated that the tenant has been arrested on three separate occasions while living at the home. The landlord stated that she has incurred a loss of \$5000.00 because of this tenant and that she will be pursuing her own application for dispute resolution to recover the funds.

Analysis

When a party makes a claim for damage or loss the burden of proof lies with the applicant to establish their claim. To prove a loss the applicant must satisfy the following four elements:

1. Proof that the damage or loss exists,
2. Proof that the damage or loss occurred due to the actions or neglect of the other party in violation of the Act, Regulation or tenancy agreement,
3. Proof of the actual amount required to compensate for the claimed loss or to repair the damage, and
4. Proof that the applicant followed section 7(2) of the Act by taking steps to mitigate or minimize the loss or damage being claimed.

The tenant has failed to satisfy me on any of the above grounds. The tenant did not submit any documentation for this hearing to support her claim. The landlord adamantly disputed the claim. Based on the testimony of both parties and on the balance of probabilities I dismiss the tenants claim for \$3000.00.

In addition, as both parties confirmed the tenant no longer resides in the home I need not consider the merits of the balance of the tenants' application and I therefore dismiss the tenants' entire application.

Conclusion

The tenants' application is dismissed in its entirety.

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: September 18, 2014

Residential Tenancy Branch

