



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD

Introduction

This was a hearing with respect to an application by the tenant for a monetary award and for the return of the tenant's security deposit, including double the amount of the deposit. The hearing was conducted by conference call. The tenant attended with her husband, who acted as the tenants spokesman; he said that he also was a tenant although not named in the application for dispute resolution. The named landlord attended with his interpreter.

Issue(s) to be Decided

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

Background and Evidence

The rental unit is a house in Surrey. The tenant claimed that he was evicted pursuant to a two month Notice to End Tenancy, but was not given compensation for the Notice as required by the *Residential Tenancy Act*. The tenant also claimed that her deposit was not returned. Apart from an invoice for moving expenses, the tenant did not submit any documents as evidence; in particular, I was not provided with a copy of a tenancy agreement or a copy of a two month Notice to End Tenancy,

The landlord did not provide any documentary evidence although he claimed that the tenant paid only half the rent for April and moved out of the rental unit in May without paying May rent.

Analysis and conclusion

I was not provided with the necessary documentary evidence to determine whether the tenant was entitled to a monetary award in any amount. The tenant claimed to have

provided documents to the Residential Tenancy Branch when the application was filed, but I could find no reference to show that document were submitted and the landlord testified that he was not given any documents by the tenant. Because the landlord did not submit any records t support his position with respect to the tenant's failure to pay rent, although he had notice of the nature of the tenant's claims, I find that the tenant's application should be dismissed with leave to reapply.

If the tenant makes a further application he must submit copies of all relevant documents to the Residential Tenancy Branch and to the landlords. The landlords must also promptly submit all their documentary evidence in reply both to the Residential Tenancy Branch and to the tenant.

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: November 04, 2014

Residential Tenancy Branch

