



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order. Both parties participated in the conference call hearing. Neither party submitted any evidence for this hearing. Both parties gave affirmed evidence.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background, Evidence

The landlord's testimony is as follows. The tenancy began on August 1, 1993 and ended on March 31, 2015. The tenants were obligated to pay \$1534.14 per month in rent in advance plus 50% of the utilities and at the outset of the tenancy the tenants paid a \$450.00 security deposit. The landlord stated that the tenant owes her \$293.13 for unpaid utilities.

The tenants' testimony is as follows. The tenant stated that he doesn't owe the landlord any money. The tenant stated that the landlord is very poor at record keeping.

Analysis

The landlord stated that she submitted 70 pages of evidence for a previous hearing and was unsuccessful. The landlord stated that it's physically impossible to prove someone didn't pay you money and that the policies of the Branch should be looked at and reviewed. The landlord stated that she found the previous decision very disappointing and lacks confidence in the Branch.

Section 67 of the *Act* establishes that if damage or loss results from a tenancy, an Arbitrator may determine the amount of that damage or loss and order that party to pay

compensation to the other party. In order to claim for damage or loss under the *Act*, **the party claiming the damage or loss bears the burden of proof**. The claimant must prove the existence of the damage/loss, and that it stemmed directly from a violation of the agreement or a contravention of the *Act* on the part of the other party. Once that has been established, the claimant must then provide evidence that can verify the actual monetary amount of the loss or damage.

The tenant adamantly disputes the landlords' claims. In the absence of any supporting documentation from the landlord, I dismiss the landlords claim in its entirety.

Conclusion

The landlords' application is dismissed.

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 28, 2015

Residential Tenancy Branch

