



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            FF, MNDC

### Introduction

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. A monetary order in the sum of \$18,660 for moving costs, storage costs, cost of utilities, loss of opportunity, stress, loss of quiet enjoyment, loss of use of tenancy, breach of contract
- b. To recover the cost of the filing fee.

The applicant failed to appear at the scheduled time for the hearing. The respondent, her daughter and legal advocate were present. The telephone line conference line remained open and the phone system was monitored for ten minutes. The applicant failed to appear. I then proceeded with the hearing in the absence of the applicant..

The applicant has the burden of proof to establish his claim on a balance of probabilities. The applicant failed to attend the hearing. In the absence of the solemnly affirmed testimony of the applicant I order the application dismissed without liberty to reapply. I determined it was appropriate to dismiss the claim without leave to re-apply for the following reason:

- The applicant (who is elderly and blind), her daughter and legal advocate were present and ready to proceed.
- The tenancy was supposed to commence on September 1, 2013. The applicant delayed in filing the application until late August 2015.
- The applicant failed to provide the respondent with his evidence until late December and is not accompanied by a Monetary Order worksheet. The applicant's delay in providing the evidence especially given the Christmas holidays made it very difficult for the landlord to assess the evidence and is an abuse of process.

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: January 07, 2016

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Residential Tenancy Branch

