



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR

Introduction

This was a hearing with respect to the landlord's application for an order of possession and a monetary award. The tenant does not reside at the rental property; there is no basis for the request for an order of possession and it is dismissed. The landlord's agent and the tenant called in and participated in the hearing. The landlord did not attend.

Issue(s) to be Decided

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

Background and Evidence

The landlord's application for dispute resolution was filed as an online application on November 28, 2015. In the application the landlord claimed payment of the sum of \$16,370.37. The amount claimed was said to be for missing or unpaid rent in 2014 and 2015. The landlord did not provide any documentary evidence in support of the claim. The landlord's agent insisted at the hearing that the landlord had provided all necessary evidence by e-mail.

The tenant testified that he has received no documents from the landlord, apart from a copy of the application for dispute resolution.

Analysis

The applicant has the burden of proving entitlement to a monetary award. In this case the applicant must establish that there is a residential tenancy agreement between the applicant and the respondent, the terms of that tenancy agreement, including the rent payable under the agreement and the provision of some documents such as a ledger,

copies of receipts or cancelled cheques to show the payment history so as to establish the amounts claimed to be unpaid. The Residential Tenancy Branch does not receive or accept evidence submitted by e-mail. There is no record that the landlord attempted to submit any documents by e-mail and the landlord or the landlord's agent did not submit any documents by fax or by delivering them to an office of the Residential Tenancy Branch or to a Government Agent. The landlord did not attend the hearing. Neither the landlord nor the landlord's agent submitted any documentary evidence. The tenant denied that he owed the amount claimed and he testified that there had been a tenancy agreement which ended in 2015, but he said it was not an agreement with the applicant but with a different person.

Conclusion

In the absence of sufficient evidence to establish on a balance of probabilities that the applicant is entitled to a monetary award in any amount, this application is dismissed without leave to reapply.

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: June 28, 2016

Residential Tenancy Branch