



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

This is an application brought by the tenant requesting a Monetary Order for \$25,000.00.

No evidence whatsoever has been supplied with the application.

All parties were affirmed.

Issue(s) to be Decided

The issue is whether or not the applicant has established a monetary claim against the respondent, and if so in what amount.

Background and Evidence

The parties testified that this tenancy began on April 15, 2014 and that the tenant vacated the rental unit on June 30, 2016 pursuant to an Order of Possession.

The applicant testified that she is claiming \$25,000.00 against the landlord for damages she claims resulted from the landlord's willful or negligent actions.

Applicant further testified that she has not provided any evidence in support of her claim, stating that her evidence is in storage and she has not had the opportunity to access it.

Analysis

It is my decision that I will not allow the tenants claim against the landlord for \$25,000.00, as the applicant has provided no evidence whatsoever in support of her claim.

When questioned as to why she had not supplied any evidence, the applicant stated that her evidence was in storage, and she had not had an opportunity to access it; however this application was filed on April 6, 2016, and therefore the applicant has had almost 6 months to access and supply evidence for today's hearing. I do not find this a reasonable excuse for not supplying evidence.

The burden of proving a claim lies with the applicant and when it is just the applicant's word against that of the respondent that burden of proof is not met.

In the absence of any supporting evidence, it is just the applicant and her daughter's word, and that is insufficient to meet the burden of proving a claim against the landlord, let alone a claim as large as \$25,000.00.

Further, the applicant's failure to provide any evidence, or even a reasonable outline of the claim, puts the respondent in an untenable position of not knowing the claim against them, thereby making it virtually impossible to launch any reasonable defense.

Conclusion

This application is dismissed in full 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: October 31, 2016

Residential Tenancy Branch