



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT

This hearing dealt with an application pursuant to the *Residential Tenancy Act* (the “**Act**”) for a monetary order for compensation for damage or loss in the amount of \$6,500 pursuant to section 67.

The applicant did not attend this hearing, although I left the teleconference hearing connection open until 1:40 pm in order to enable the applicant to call into this teleconference hearing scheduled for 1:30 pm. The respondent attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the respondent and I were the only ones who had called into this teleconference.

At the outset of the hearing, the respondent advised me that her given name was misspelled on the application. She stated that it starts with a “T” and not a “J” (the correct spelling is reproduced on the cover of this decision). I order that the application be amended to correct the spelling of the respondent’s given name.

Rule of Procedure 6.6 states:

6.6 The standard of proof and onus of proof

The standard of proof in a dispute resolution hearing is on a balance of probabilities, which means that it is more likely than not that the facts occurred as claimed.

The onus to prove their case is on the person making the claim. In most circumstances this is the person making the application.

This is the applicant’s application. As such, he bears the onus to prove his claim. As he failed to attend the hearing, I find that he has failed to discharge his evidentiary burden to prove that he is entitled to the order sought.

I dismiss the applicant’s claim, 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: July 9, 2020

Residential Tenancy Branch