



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes      **MNSD, RPP, MNDCT**

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- authorization to obtain a return \$175 of the security deposit pursuant to section 38;
- an order requiring the landlord to return the tenant's personal property pursuant to section 65; and
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement in the amount of \$3,600 pursuant to section 67.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 1:43 pm in order to enable the tenant to call into this teleconference hearing scheduled for 1:30 pm. The landlord's counsel ("**PH**") and housing manager ("**JW**") attended the hearing on behalf of the landlord. 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 PH, JW, and I were the only ones who had called into this teleconference.

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 tenant's application. As such, he bears the onus to prove his claim. As he failed to attend the hearing, he has failed to discharge his evidentiary burden to prove that he is entitled to the relief sought. Pursuant to Rule of Procedure 7.4, he (or his agent) must attend the hearing and present his evidence for it to be considered. As this did not occur, I have not considered any of the documentary evidence submitted by the tenant to the Residential Tenancy Branch in advance of the hearing.

I dismiss the tenant's application 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: September 17, 2021

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Residential Tenancy Branch