



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

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DECISION

Dispute Codes CNR LRE OLC

Introduction

The tenant sought an order cancelling a *10 Day Notice to End Tenancy for Unpaid Rent* under section 46 of the *Residential Tenancy Act* ("Act"). In addition, the tenant sought an order for landlord compliance (section 62 of the Act) and an order suspending or setting conditions on the landlord's right to enter the rental unit (section 70 of the Act).

A hearing was first convened on October 7, 2022 and both parties attended. The matter was adjourned (see Interim Decision dated October 7, 2022). The hearing was reconvened on February 10, 2023 and in attendance were both parties.

Preliminary Issue 1: Tenancy Has Ended

The tenant confirmed that the tenancy ended last year, and he no longer resides in the rental unit. The landlord has since rented out the property to a new tenant or tenants. Given these facts the relief sought is now moot.

Preliminary Issue 2: Landlord's Claim for Unpaid Rent

The landlord testified that the tenant owes him two months' worth of rent plus \$800.00 in unpaid utilities and an additional \$400.00 for storing the tenant's personal belongings. The tenant disputed that he owes him these amounts.

While a copy of the *10 Day Notice to End Tenancy for Unpaid Rent* was in evidence, the landlord provided no supporting evidence to prove his claim for any amounts owing. And it is important to note that when two parties in a dispute provide equally plausible accounts of events or circumstances, the party making the claim must provide evidence over and above their testimony to support their claim. The landlord has not done this.

Should the landlord believe he is entitled to any amount over and above the unpaid rent then he is entitled to file an application for dispute resolution seeking compensation.

Conclusion

The application is hereby DISMISSED.

This decision is final and binding, except where permitted under the Act, and is made on delegated authority under section 9.1(1) of the Act.

Dated: February 11, 2023

Residential Tenancy Branch