



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF, MND, LRE, LAT

Introduction

Some documentary evidence and written arguments have been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

The applicant is requesting an order to cancel a Notice to End Tenancy for nonpayment of rent, is requesting a monetary order for \$900.00, an order to suspend or set conditions on the landlord's right to enter the rental property, an order to authorize the tenant to change the locks to the rental unit, and is requesting recovery of the filing fee.

Background and Evidence

At the beginning of the hearing the tenant testified that she has vacated the rental unit as of October 13, 2012, and therefore the majority of this claim is moot.

I will therefore only be dealing with the request for a monetary order for \$900.00.

Decision and reasons

The applicant has not supplied any written breakdown of her monetary claim however at the hearing she testified that she is claiming \$900.00 for loss of use and enjoyment due to alleged assaults by the landlord, and illegal entry of her unit by the landlord; however the applicant has provided no evidence whatsoever in support of these allegations.

The landlord has denied all the tenants allegations and therefore it is just the tenant's word against that of the landlords, and that is not sufficient to meet the burden of proving the tenants allegations.

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.

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: November 01, 2012.

Residential Tenancy Branch