



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF, O

Introduction

This matter dealt with an application by the Tenant for loss or damage under the Act, regulations or tenancy agreement, to recover the filing fee for this proceeding and for other considerations.

The Applicant said she served the Respondent with the Application and Notice of Hearing (the “hearing package”) by registered mail on June 10, 2014. Based on the evidence of the Applicant, I find that the Respondent was served with the Applicant’s hearing package as required by s. 89 of the Act and the hearing proceeded in the Respondent’s absences.

At the start of the conference call the Applicant said the Respondent took \$500.00 from her for a room rental arrangement and then did not provide the rental unit. The Applicant said she has made this application to recover the \$500.00 that she paid the Respondent for the first month’s rent. It was determined that the Applicant had not submitted any evidence to prove a tenancy was established between her and the Respondent, although the Applicant said she had a receipt for \$500.00 which represented the first month’s rent. The Applicant said she thought she had submitted the receipt when she made the application. The Arbitrator reviewed the file and the data bank for the evidence and found nothing but what was in the file. Consequently there is no evidence that proves a tenancy existed between the Applicant and the Respondent; therefore I do not have jurisdiction to make a finding in this matter. The applicant may want to seek legal advice to determine how to proceed with her claims.

In the absence of evidence to show there is a tenancy between the Applicant and Respondent the Residential Tenancy Branch does not have jurisdiction in this situation. I dismiss the application with leave to reapply as I find no authority to decide this matter under the *Residential Tenancy Act*.

Conclusion

The application is dismissed with leave to reapply as there is no evidence to prove the Residential Tenancy Act has jurisdiction.

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 08, 2014

Residential Tenancy Branch

