

## **DECISION AND REASONS**

Dispute Codes      CNC, FF

This hearing dealt with the Tenant's Application for Dispute Resolution, seeking to cancel a Notice to End Tenancy issued to him for alleged cause.

The Tenant claimed he had served the Landlord with the Notice of Hearing and Application for Dispute Resolution by registered mail. However, he had submitted no documentary evidence to prove service, such as the registered mail receipt.

The Tenant made an Application to cancel a Notice to End Tenancy. However, he had not submitted a copy of the Notice he wanted cancelled.

The hearing package contains instructions on evidence and the deadlines to submit evidence, as does the Notice of Hearing provided to the Tenant.

The Notice to End Tenancy document is not a mere technicality. In fact, it is hard to imagine another document being more relevant or material to the Tenant's claim, in particular when he is asking to have this document cancelled.

The responsibility of proving a claim is on the person making the claim. As the Tenant failed to provide a copy of the Notice, I find the Tenant has provided insufficient evidence to prove his claim.

I further find the Tenant has provided insufficient evidence to prove he served the Landlord with the Notice of Hearing and Application for Dispute Resolution.

Therefore, I dismiss the claim without leave to reapply. The Notice to End Tenancy is not cancelled.

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 09, 2009.

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Dispute Resolution Officer