

DECISION

Dispute Codes

CNC; FF

Introduction

This is the Tenants' application to cancel a Notice to End Tenancy for Cause; and to recover the cost of the filing fee from the Landlord.

The Tenants testified that they received the Notice to End Tenancy for Cause on February 28, 2010. The Tenants did not provide a copy of the Notice to End Tenancy in evidence.

The Notice of Hearing package provided to the Tenants contains the following instructions with respect to evidence: "Before the Hearing date, both the Applicant and the Respondent must give each other, and the Residential Tenancy Branch, a copy of all their evidence. The deadlines for evidence are in the attached hearing package." The responsibility of proving a claim falls on the Applicants/Tenants. I find that the Tenants have failed to provide sufficient evidence to prove their claim (i.e. a copy of the Notice they seek to cancel).

The Tenants' application is dismissed in its entirety.

The Landlord testified that the Tenants had given their notice to vacate the rental unit effective April 30, 2010. The Landlord has not filed an Application for an Order of Possession, neither did he request an Order of Possession, pursuant to the provisions of Section 55(1) of the Act, at the Hearing.

Conclusion

The Tenants' application is dismissed in its entirety.

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: May 7, 2010