

DECISION

Dispute Codes OPR, MNR, MNSD, FF

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The Agent for the Landlord or the Landlord had not submitted in evidence a copy of the Notice to End tenancy the Tenant had been served with.

The Application for Dispute Resolution form contains instructions that the Landlord must submit in evidence to the branch a copy of the Notice to End Tenancy issued to the Tenant. The hearing package documents also contain instructions on evidence and the deadlines to submit evidence, as does the Notice of Hearing provided to each party.

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 Landlord's claim, in particular when he is asking to have the Tenant evicted based on this document.

The responsibility of proving a claim is on the person making the claim. As the Landlord or his Agent failed to provide a copy of the Notice to End, I find the Landlord has provided insufficient evidence to prove his claim. Therefore, the Application is dismissed with leave to reapply.

Lastly, the Landlord was directed to an information officer for information on the Direct Request process.

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: March 11, 2010.

Dispute Resolution Officer