



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      OPC, MNSD, FF

### Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, seeking to end the tenancy and to keep all or part of the security deposit.

The Landlord had not submitted in evidence a copy of the Notice to End tenancy served on the Tenant.

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 of documents also contains 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 a Tenant evicted under the information contained in this document.

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

Therefore, I dismiss the claim with 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: April 01, 2010.

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Dispute Resolution Officer