

DECISION

Dispute Codes OPR MND MNR MNDC FF
 CNR FF

Introduction

This hearing dealt with cross applications for Dispute Resolution filed by both the Landlord and the Tenant.

The Landlord filed seeking an Order of Possession for unpaid rent, a Monetary Order for unpaid rent, for damage to the unit, site, or property, for money owed or compensation for damage or loss under the Act, regulation, or tenancy agreement, and to recover the cost of the filing fee from the Tenant.

The Tenant filed seeking an Order to cancel the notice to end tenancy for unpaid rent and to recover the cost of the filing fee from the Landlord for this application.

The Landlord advised that service of the hearing documents by the Landlord to the Tenant were sent via registered mail on April 13, 2010, in accordance with section 89 of the *Act*.

The Tenant advised that service of his hearing documents to the Landlord was done personally, by the Tenant to the Landlord on April 8, 2010.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession under section 55 of the *Residential Tenancy Act*?

Is the Landlord entitled to a Monetary Order under sections 67 and 72 of the *Residential Tenancy Act*?

Is the Tenant entitled to an Order to cancel the notice under section 46 of the *Residential Tenancy Act*?

Background and Evidence

The Landlord argued that he issued the Tenant a notice to end tenancy for unpaid rent on March 27, 2010. The Landlord confirmed that he did not provide documentary evidence to the *Residential Tenancy Branch*.

The Tenant confirmed that he did not provide documentary evidence to the *Residential Tenancy Branch*.

Analysis

In the absence of documentary evidence of the notice to end tenancy I cannot determine with any certainty that the notice was issued and served in accordance with sections 46, 52, and 88 of the *Residential Tenancy Act*. Therefore I dismiss the applications.

As both applications were dismissed, I hereby decline to award either party recovery of the filing fee.

Conclusion

Landlords' Application

The Landlord's application is HEREBY DISMISSED, without leave to reapply.

Tenants' Application

The Tenant's application is HEREBY DISMISSED, without 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: May 26, 2010.

Dispute Resolution Officer