

DECISION

Dispute Codes CNL

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to cancel a notice to end tenancy for the landlord's use of property.

Service of the hearing documents, by the Tenant to the Landlord, was done in accordance with section 89 of the *Act*, sent via registered mail on April 13, 2010. The female Landlord confirmed receipt of the hearing package.

The parties appeared, acknowledged receipt of evidence submitted by the other, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

Issues(s) to be Decided

Is the Tenant entitled to an Order to cancel the Notice under section 49 of the *Residential Tenancy Act*?

Background and Evidence

The Tenant stated the written tenancy agreement was effective October 31, 2000 and was between the Tenant and the previous property manager. A security deposit was paid in October 2000 in the amount of \$437.50. The current rent is payable on the first of each month in the amount of \$1,050.00.

I confirmed the Tenant submitted evidence to the *Residential Tenancy Branch*. However the Tenant's evidence did not include a copy of either notice to end tenancy that she makes reference to, even though the Tenant was instructed on the timeframes

and requirements for submission and service of evidence when she filed her application for dispute resolution.

I also confirmed the Landlords did not submit a copy of either notice to end tenancy in their evidence.

The Tenant argued the *Residential Tenancy Branch* took a photocopy of her notice and returned it to her when she filed her application for dispute resolution.

Analysis

I informed the Tenant that the Residential Tenancy Branch does not copy Tenant's evidence and confirmed there is no copy of either Notice to End Tenancy in the evidence contained in the file before me.

In the absence of the Notice to End Tenancy, I cannot make a determination regarding the merits of the Tenant's application. Therefore I dismiss the Tenant's application due to insufficient evidence.

Conclusion

I HEREBY DISMISS the Tenant's application, 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 28, 2010.

Dispute Resolution Officer