



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC, OPR, MNR, & FF

Introduction

This hearing dealt with the landlord's application seeking an Order of Possession and monetary claim related to non-payment of rent. I note that the landlord made an error on the application and requested an Order of Possession related to a 1 month Notice to End Tenancy for Cause.

The landlord stated that evidence had been provided in support of this application; however, there was no evidence before me. Rule 3.5 outlines the rules of submitting evidence that was not provided at the time the application for Dispute Resolution was made. The landlord stated that the evidence was provided by fax to the Residential Tenancy Branch; however, the landlord did not have the fax confirmation available to show that the evidence had been provided to the Residential Tenancy Branch in the time line required by the rules of procedure.

As a result of the above, I do not have a copy of the 10 day Notice to End Tenancy and to issue an Order of Possession I must have a copy of the notice to demonstrate that the validity of the landlord's request. Section 45 of the *Act* provides the criteria necessary for a notice to end tenancy to be valid. I cannot be satisfied that these criteria have been satisfied without a copy of the notice.

Conclusion

In the absence of any evidence, specifically a copy of the notice to end tenancy which the landlord is relying upon for this application, I was unable to proceed with the landlord's application. Therefore, I dismiss the landlord's application with leave to re-apply.

Dated: December 08, 2010.

Dispute Resolution Officer