



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, seeking an Order of Possession.

The Landlord's Agent, gave affirmed testimony and was provided the opportunity to present her evidence orally and in written and documentary form, and make submissions to me.

The Tenants did not appear and there was no proof of service or clear testimony of the Tenants being served with the Notice of Hearing.

I note that the person listed on the Application as the Landlord is, after testimony, representing the Landlord. However, the Landlord's name was not made known.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord's Agent provided affirmed testimony that the Tenants were served a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice"), however the Agent could not provide evidence or testimony as to the date the Notice was served or the effective move out date listed on the Notice. Further the Landlord's Agent could not provide the date the Notice of Hearing was served on the Tenants.

The Landlord's Agent did not supply any evidence, such as a copy of a tenancy agreement, a copy of the Notice to Tenancy or proof of service of the application for dispute resolution in support of her Notice to End Tenancy.

Analysis

Based on the foregoing testimony and insufficient evidence, and on a balance of probabilities, I find as follows:

The Landlord had insufficient evidence to show the Tenants were issued a valid 10 Day Notice to End Tenancy.

The Landlord had insufficient evidence to prove the existence of a tenancy agreement.

The Landlord had insufficient evidence to prove the Tenants were served notice of the hearing.

Based on the above, I find that I cannot allow the Landlord's Application for Dispute Resolution, and **I order that it be dismissed.**

The Landlord is at liberty to issue another Notice to End Tenancy and file an Application for Dispute Resolution.

Conclusion

The Landlord's Application for Dispute Resolution is dismissed as there is no evidence the Notice to End Tenancy issued is valid.

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: December 15, 2010.

Dispute Resolution Officer