



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent.

At the start of the hearing the DRO questioned the Landlord why there was no Notice to End Tenancy included in the evidence package. The Landlord said he sent everything that he was told to send when he was in the Residential Tenancy Branch office. On further questioning the Landlord said he had not submitted the Notice to End Tenancy nor the Tenancy Agreement when he submitted his application package, but he did have them. The Landlord's application package contained the Application, the Notice of Hearing and a receipt for the filing fee of \$50.00.

The Tenant did not attend the hearing, so it was not possible to confirm if the Tenant received the Notice to End Tenancy.

Consequently as there is no Notice to End Tenancy in the evidence package it is not possible to determine if the Notice is valid or not. I find there is a lack of evidence to proceed with the hearing and therefore; I dismiss the Landlord's application with leave to reapply.

Conclusion

The Landlord's application for an Order of Possession and a Monetary Order is dismissed 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*.
