



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

### **Dispute Codes:**

CNC

### **Introduction**

This Application for Dispute Resolution by the tenant was seeking to cancel a One-Month Notice to End Tenancy for Cause apparently because the tenant had breached a material term of the tenancy. However neither a copy of the Notice nor the tenancy agreement had been submitted into evidence. Both parties appeared.

### **Preliminary Matter**

Section 59 (2) of the Act states that an application for dispute resolution must be in the applicable approved form and include full particulars of the dispute that is to be the subject of the dispute resolution proceedings. Section 62(4) provides that all or part of an application for dispute resolution may be dismissed if the application does not disclose a dispute that may be determined under this Part.

I find that any application seeking to cancel a Notice to End Tenancy would require submission into evidence a copy of the Notice under dispute. In the case before me neither the applicant nor the respondent submitted a copy of the One-Month Notice to End Tenancy for Cause. In addition, the matter also under dispute related to an alleged breach of a material term of the tenancy by the tenant. However, a copy of the tenancy agreement in question was not in evidence.

### **Conclusion**

As I could not proceed, the parties agreed that a new application would be pursued. Based on the above, I hereby dismiss this application 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*.

Dated: February 2011.

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Residential Tenancy Branch