



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNR

Introduction

This hearing was scheduled to deal with the tenant's application to cancel a Notice to End Tenancy for Unpaid Rent. Both parties appeared at the hearing and were provided the opportunity to make submissions and to respond to the submissions of the other party.

Neither party had provided a copy of the Notice to End Tenancy that is under dispute. I proceeded to hear from the parties based on verbal testimony only.

Issue(s) to be Decided

Should the tenant's application to cancel the Notice to End Tenancy be granted?

Background and Evidence

The landlord's manager posted a 10 Day Notice to End Tenancy for Unpaid Rent on the tenant's door on February 4, 2011. The tenant received the Notice on February 8, 2011 and disputed the Notice on February 8, 2011.

The parties provided differing testimony as to information contained on the Notice.

Analysis

The Act requires that a party that makes an Application for Dispute Resolution provide full particulars of the subject under dispute. When a Notice to End Tenancy is under dispute I can think of no other document that is more relevant to the subject under dispute. The tenant was at liberty to provide a copy of the Notice when filing the Application for Dispute Resolution or within five business days before the scheduled hearing date. The tenant failed to serve the Residential Tenancy Branch or the landlord with the Notice that he was disputing.

In the absence of a copy of the Notice and given the differing testimony I heard during the hearing, I determined I could not proceed with this dispute and I dismissed the tenant's application.

Conclusion

The tenant's application is dismissed.

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 18, 2011.

Residential Tenancy Branch