Dispute Resolution Services

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes   OPR, MNR, FF

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, seeking an Order of Possession, a monetary order for unpaid rent and to recover the filing fee.

The Landlord appeared, gave affirmed testimony and was provided the opportunity to present his evidence orally and in written and documentary form, and make submissions to me.

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

Issue(s) to be Decided

Has the Tenant breached the Residential Tenancy Act or tenancy agreement, entitling the Landlord to an Order of Possession and monetary relief?

Background and Evidence

The Landlord provided affirmed testimony that the Tenant was served a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice"); however the Notice was not submitted into evidence and the Landlord could not provide evidence or testimony as to the effective move out date listed on the Notice.

The Landlord 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 his 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 Tenant was issued a valid 10 Day Notice to End Tenancy and insufficient evidence to establish the amount in his monetary claim.

Conclusion

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

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 28, 2011.

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Residential Tenancy Branch