



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      OPR MNR MNSD FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession and a Monetary Order for unpaid rent, to keep all of the security deposit, and to recover the cost of the filing fee from the Tenant for this application.

Both parties appeared at the hearing.

### Preliminary Issues

The Landlord is seeking an Order of Possession and a Monetary Order for unpaid rent; however the Landlord did not provide documentary evidence to prove that the Landlord has issued the Tenant a 10 Day Notice to End Tenancy for Unpaid Rent, in accordance with section 46 of the *Residential Tenancy Act* (the "Act") and the Landlord has failed to provide evidence to support that there is a tenancy between the Landlord and the Tenant.

### Analysis

The Landlord's Agent submitted that the Tenant was issued several 10 Day Notices to End Tenancy; however the Landlord has failed to prove that these notices as well as the Notice in question were ever issued, in accordance with section 46 of the Act, as the Landlord failed to provide documentary evidence in support of their testimony.

The purpose of serving documents under the *Act* is to notify the person being served of their breach and notification of their rights under the *Act* in response. The Landlord is seeking to end the tenancy due to this breach; however, the Landlord has the burden of proving that the Tenant was served with the 10 Day Notice to End Tenancy.

In the absence of documentary evidence that the 10 Day Notice to End Tenancy was issued, I find that the Landlord has failed to present the merits of their case and I hereby dismiss their application, without leave to reapply.

Conclusion

**I HEREBY DISMISS** the Landlord's application, without 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: March 30, 2011.

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Residential Tenancy Branch