



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNC, MNDC

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution, seeking to cancel a Notice to End Tenancy for alleged cause and to receive a monetary order for compensation under the Act or tenancy agreement.

The Tenant claimed he had served an Agent for the Landlord with the Notice of Hearing and Application for Dispute Resolution in person. However, neither the Agent nor the Landlord appeared at the hearing.

The Tenant made an Application to cancel a Notice to End Tenancy. However, he had not submitted a copy of the Notice he wanted cancelled.

The hearing package contains instructions on evidence and the deadlines to submit evidence, as does the Notice of Hearing provided to the Tenant.

The Notice to End Tenancy document is not a mere technicality. In fact, it is hard to imagine another document being more relevant or material to the Tenant's claim, in particular when he is asking to have this document cancelled.

The responsibility of proving a claim is on the person making the claim. As the Tenant failed to provide a copy of the Notice, I find the Tenant has provided insufficient evidence to prove his claim.

The Tenant had also claimed he spent money on a post office box, although no receipt or other evidence was provided in support of this expense.

Therefore, I dismiss all of the Tenant's claims without leave to reapply. The Notice to End Tenancy is not cancelled.

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 15, 2011.

Residential Tenancy Branch