



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      OPR, MNR, FF

This hearing dealt with an Application for Dispute Resolution by the Landlords for an order of possession, a monetary order and an order to recover the filing fee for the Application.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me. Nevertheless, the Landlords failed to include any documentary evidence to support their claim.

Most importantly, the 10 day Notice to End Tenancy was not provided in evidence.

Under the category of “Ending Tenancy”, the Application for Dispute Resolution clearly explains that, “... the *Notice to End Tenancy* must be submitted to the Residential Tenancy Branch.”

Furthermore, the Notice of Hearing clearly explains, “... Evidence to support your position is important and must be given to the other party and to the Residential Tenancy Branch before the hearing.”

The Landlords’ claim is based on the Notice to End Tenancy form issued to the Tenants. The Notice to End Tenancy document is not a mere technicality, and in fact, it is hard to imagine another document being more relevant or material to the Landlords’ claim, in particular when they are asking to end the tenancy based on this Notice.

Without the Notice to End, I find the Landlords have insufficient evidence to prove this claim. Therefore, the Application is dismissed, 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: April 18, 2011.

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Residential Tenancy Branch