



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession for unpaid rent; a Monetary Order for unpaid rent; and to recover the filing fee associated with this application.

The landlord participated in the hearing and provided affirmed testimony. He testified that he did not have accurate recollection of the date he served the tenant with the Notice of a Dispute Resolution Hearing, but that he posted it on the tenant's door a day or two after he received the documents from the Residential Tenancy branch.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order, and if so for what amount?

Is the landlord entitled to recover the filing fee?

### Background and Evidence

There was no documentary evidence before me from the landlord. The landlord stated that his documents were at home at that he was calling from work. He said that he was not sure when he served the tenant with the 10 Day Notice to End Tenancy.

Analysis

Concerning the 10 Day Notice to End Tenancy, Page 2 of the notice specifies that the notice must be given to the tenant and that it must be submitted to the Residential Tenancy branch.

In order to proceed with the hearing, I must be satisfied that the tenant was served with the hearing documents and the notice to end tenancy. In this case the landlord had no documents before him; he had no recollection on the dates of service; and he provided no documentary evidence to support his claim.

Conclusion

I find insufficient evidence to proceed with this hearing and the landlord's 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: June 29, 2011.

---

Residential Tenancy Branch