



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR

This hearing dealt with an Application for Dispute Resolution by the Landlords for an order of possession and a monetary order for unpaid rent.

The Landlords had not submitted in evidence a copy of the 10 day Notice to End Tenancy they apparently served the Tenant with.

The Application for Dispute Resolution form contains instructions that the Landlord must submit in evidence to the branch a copy of the Notice to End Tenancy issued to the Tenant. The hearing package of documents also contains instructions on evidence and the deadlines to submit evidence, as does the Notice of Hearing provided to each party.

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 Landlords' claims, in particular when they are asking to have a Tenant evicted under the information contained in this document.

The responsibility of proving a claim is on the person making the claim. As the Landlords have failed to provide a copy of the Notice to End tenancy, I find the Landlords have provided insufficient evidence to prove this claim.

Therefore, I dismiss the claim 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 02, 2011.

Residential Tenancy Branch