



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR, MNSD, FF

This hearing dealt with the Landlord's Application for Dispute Resolution, seeking to end the tenancy, and for monetary orders for unpaid rent, for monetary compensation under the Act or tenancy agreement, to keep all or part of the security deposit, and to recover the filing fee for the claim.

The Landlord claimed he served the Tenant with the Notice of Hearing and Application for Dispute Resolution. However, he had submitted no documentary evidence to prove service.

The Landlord had not submitted in evidence a copy of the Notice to End Tenancy he had served the Tenant with.

The Application for Dispute Resolution form contains instructions that the Landlord must submit in evidence to the Residential Tenancy 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 to each party, as does the Notice of Hearing.

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 Landlord's claim, in particular when he is 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 Landlord failed to provide a copy of the Notice to End Tenancy, I find the Landlord has provided insufficient evidence to prove his claim.

I further find the Landlord has provided insufficient evidence to prove he served the Tenant with the Notice of Hearing and Application for Dispute Resolution.

Therefore, I dismiss the claim with leave to reapply.

As the Landlord was not successful in this Application, I decline to award recovery of the filing fee.

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: October 31, 2011.

Residential Tenancy Branch