



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid *rent* - Section 67;
3. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by personal service on September 23, 2011 in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing.

The landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

There is no document evidence submitted with this application. The landlord testified the tenancy began in July 2011. Rent in the amount of \$750 is payable in advance on the first day of each month. The tenant purportedly failed to pay rent in the month of August 2011 and the landlord purportedly gave the tenant a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of September and the landlord gave the tenant another notice to end tenancy for non-payment of rent. The landlord testified they are only seeking rent for September 2011 despite the tenant

not having paid August 2011 rent. The hearing does not have benefit of a copy of any Notice to End, allegedly given to the tenant.

Analysis

The landlord's application stipulates that if the landlord seeks to end a tenancy the Notice to End Tenancy must be submitted to the Residential Tenancy Branch. The tenant did not appear in the hearing, and as the landlord has not provided proof of a Notice to End for non-payment of rent I am unable to determine the validity of the Notice to End, or the landlord's testimony. As a result, **I dismiss** the landlord's application, for lack of evidence, with leave to reapply.

Conclusion

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: October 25, 2011

Residential Tenancy Branch