



# 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 dealt with the Landlord's Application for Dispute Resolution, seeking an Order of Possession for unpaid rent; a monetary award for unpaid rent; and to recover the cost of the filing fee from the Tenant.

The Landlord's agents gave affirmed testimony at the Hearing.

The Landlord's agent BM testified that he witnessed the Landlord's agent NG handing the Notice of Hearing documents to the Tenant on September 27, 2011, at 3:00 p.m.

Based on the affirmed testimony of the Landlord's agents, I am satisfied that the Tenant was personally served on September 27, 2011 with the Notice of Hearing, Application for Dispute Resolution and instruction sheets. The Tenant did not sign into the teleconference.

The Landlord's agent NG testified that he provided documentary evidence to the Branch two days before the Hearing date. There was no documentary evidence from either party on the case file.

The Application for Dispute Resolution form contains a direction that the Landlord must submit a copy of the Notice to End Tenancy to the Tenant and to Residential Tenancy Branch when the dispute involves a Notice to End Tenancy. 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 Landlord did not provide any evidence to the Branch within the deadlines allowed in the Rules of Procedure.

The Landlord failed to provide a copy of the Notice to End Tenancy on which he is attempting to end the tenancy. The onus is on the Landlord to provide sufficient evidence to support his claim and I find the Landlord has provided insufficient evidence to do so.

Therefore, I dismiss the Landlord's application 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 27, 2011.

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Residential Tenancy Branch