



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

This hearing was convened in response to the landlord's application seeking an Order of Possession.

Both parties appeared at the hearing of this matter and gave evidence under oath.

The landlord issued a 2 month Notice to End Tenancy for Landlord's Use. The landlord did not present the full Notice in evidence. The tenant expressed that her cellular phone was not working properly and she could not participate in the hearing at this time and the connection was lost.

However, it is up to the landlord to prove service of the full Notice to End Tenancy and I must be able to inspect the Notice to ensure that it is a complete notice issued in the manner prescribed by the Act. I have not been able to inspect the full notice to ensure that the tenant had been served with a full and proper notice. For this reason I dismiss the landlord's 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: December 15, 2011.

Residential Tenancy Branch