



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPB, MNR, FF

This hearing dealt with the Landlord's Application for Dispute Resolution seeking to end the tenancy, and for a monetary order for unpaid rent and to recover the filing fee.

The Landlord claimed he personally served the Tenants with the Notice of Hearing and Application for Dispute Resolution. The Landlord stated that he had a witness present when he served this on the Tenants on January 03, 2012.

The Tenants did not attend the hearing.

The Landlord failed to submit in evidence a copy of the Notice to End Tenancy served on the Tenants and proof of service of the Notice. The Landlord also provided no copy of the tenancy agreement or any other documents in evidence prior to the hearing.

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 Tenants. 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. Therefore, I dismiss the Landlord's Application 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: January 17, 2012.

Residential Tenancy Branch