



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AAT CNR FF

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution, seeking to cancel a Notice to End Tenancy for unpaid rent, for an order allowing access to the rental unit, and to recover the filing fee for the Application.

The Tenant made an Application to cancel a Notice to End Tenancy for unpaid rent and the Tenant claimed he had paid rent. However, he had not submitted a copy of the Notice he wanted cancelled, nor did he provide evidence the rent had been paid. The Tenant had not submitted any evidence.

The hearing package contains instructions on evidence and the deadlines to submit evidence, as does the Notice of Hearing provided to the Tenant.

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 Tenant's claim, in particular when he is asking to have this document cancelled.

The responsibility of proving a claim is on the person making the claim. As the Tenant failed to provide a copy of the Notice, I find the Tenant has provided insufficient evidence to prove his claim. Therefore, I dismiss the Tenant's Application without leave to reapply.

Upon my dismissal of the Tenant's claim, the Landlord requested an order of possession, pursuant to section 55 of the Act. Under section 55 of the Act I must grant that request. I grant and issue an order of possession effective two days after service.

This decision is final and binding on the parties, except as provided under the Act, and 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: March 13, 2012.

Residential Tenancy Branch