



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, AAT, AS, OLC, FF

This hearing dealt with the Tenants' Application for Dispute Resolution, seeking orders to cancel a one month Notice to End Tenancy issued for alleged cause (the "Notice"), to allow the Tenants to assign or sublet the rental unit because the Landlord's permission has been allegedly unreasonably withheld, to compel the Landlord to comply with the Act, to allow access to the rental unit for the Tenants or the Tenants' guests, and to recover the filing fee for the Application.

Both parties appeared, and were provided with the opportunity to present their evidence orally and in written and documentary form.

The Tenants made an Application to cancel the Notice. However, the Tenants had not submitted in evidence a copy of the Notice they wanted cancelled. Furthermore, there was no copy of the tenancy agreement or any other documents supplied in evidence by the Tenants. The tenancy agreement is important to the issue of assigning or subletting the rental unit.

The hearing package given to the Tenants contains instructions on the hearing process, evidence, and the deadlines to submit evidence, as does the notice of hearing.

The Notice document is not a mere technicality. In fact, it is hard to imagine another document being more relevant or material to the Tenants' claims, in particular when they are asking to have this document cancelled.

The responsibility of proving a claim is on the person making the claim. As the Tenants failed to provide a copy of the Notice, I find the Tenants have provided insufficient evidence to prove their claim.

Therefore, I dismiss the Tenants' Application without leave to reapply.

Upon dismissal, an Agent for the Landlord orally requested an order of possession.

Under section 55 of the Act, I must grant that request. Therefore, I grant and issue an order of possession effective at **1:00 p.m. May 31, 2012**, the effective date of the

Notice. This order must be served on the Tenants and may be enforced in the Supreme Court of British Columbia.

This decision is final and binding on the parties, except as otherwise 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: May 15, 2012.

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Dispute Resolution Officer