



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR MNR MNSD MNDC FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution, seeking an order of possession; order of possession for unpaid rent; to keep all or part of a security deposit; money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; and to recover the filing fee.

The landlord made an Application based on a Notice to End Tenancy. However, he had not submitted a copy of the Notice in evidence.

The application form requires the landlord to submit a copy of the Notice to End Tenancy in evidence. As well, the hearing package provided to each applicant contains instructions on evidence and the deadlines to submit evidence, as does the Notice of Hearing provided to the parties.

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 this document support the eviction of the tenant.

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

I further find the landlord has provided insufficient evidence to prove he served the tenant with the Notice of Hearing and Application for Dispute Resolution.

Therefore, I dismiss the claim with leave to reapply.

Dated: June 12, 2012

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Residential Tenancy Branch