



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution, seeking to cancel a notice to end tenancy for unpaid rent or utilities.

The tenant made an Application based on a Notice to End Tenancy. However, he had not submitted a copy of the Notice in evidence. In addition, the tenant stated that he had vacated the rental unit on June 29, 2012. The landlord did not attend the 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 this document support the eviction of the tenant.

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.

As the tenant stated he vacated the rental unit on June 29, 2012, I find the vacancy ended on that date. Therefore, I dismiss the tenant's application to cancel a Notice to End Tenancy without leave to reapply.

This decision is final and binding on the parties, unless 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: July 23, 2012

Residential Tenancy Branch