



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR MNR MNDC FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession for unpaid rent and a Monetary Order for unpaid rent, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement and to recover the cost of the filing fee from the Tenants for this application.

The Landlord affirmed that the original hearing documents were served to each Tenant via registered mail on June 15, 2012. On June 25, 2012, the amended application was personally served to the second Tenant listed in the style of cause. Based on the submissions of the Landlord I find each Tenant was sufficiently served notice of this proceeding, in accordance with the Act, so I proceeded in the absence of the Tenants.

### Issue(s) to be Decided

1. Has a valid 10 Day Notice to end tenancy been issued and served upon the Tenants?

### Background and Evidence

At the outset of the hearing the Landlord confirmed they had submitted evidence which included copies of the hearing documents, the tenancy agreement and the tenant ledger.

The Landlord affirmed that a 10 Day Notice to end tenancy for unpaid rent was signed May 31, 2012 and served to the Tenants via registered mail and another copy was personally served on June 1, 2012. The Landlord acknowledged that they did not submit a copy of the 10 Day Notice into evidence.

### Analysis

When a landlord makes an application for dispute resolution the burden lies with the landlord to prove their case. The hearing package contains instructions on evidence and

the deadlines to submit evidence, as does the Notice of Hearing provided to the Landlord.

The 10 Day 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 they are asking to have this tenancy ended based on the Tenant's failure to pay the rent within 5 days of receipt of the 10 Day Notice.

In this case the Landlord has not provided a copy of the 10 Day Notice issued May 31, 2012. Therefore, I find there to be insufficient evidence to prove the Landlord is entitled to either an Order of Possession or a Monetary Order. Accordingly, I dismiss the Landlord's application.

No findings of fact or law have been made pertaining to the 10 Day Notice issued May 31, 2012.

#### Conclusion

I HEREBY DISMISS the Landlord's application.

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: July 06, 2012.

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Residential Tenancy Branch