



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD and FF

### Introduction

This application was brought by the landlord on August 2, 2012 seeking an Order of Possession pursuant to a Notice to End Tenancy said to have been served in person on July 13, 2012. The landlord also sought a monetary award for unpaid rent, recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off against the balance owed.

Despite having been served with the Notice of Hearing in person on August 3, 2012, according to the landlord, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing. Therefore, it proceeded in her absence.

At the commencement of the hearing, the landlord advised that while he initially applied for a monetary award for \$400 for each of July and August 2012, since making application he has received cheques for \$375 for each of the two months and the rent arrears now stands at \$50, but he still wished to have the Order of Possession.

However, as the landlord was advised, I am unable to consider the request as the landlord has not provided a copy of the Notice to End Tenancy or proof of service of that notice or the Notice of Hearing. To be brief, I cannot adjudicate the merit of a Notice to End Tenancy without a copy of the document.

Accordingly, the application is dismissed. The landlord is at liberty to issue a new Notice to End Tenancy and make an application for orders under that notice

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: August 30, 2012.

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Residential Tenancy Branch