



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC FF

This hearing dealt with an application by the landlord for an order of possession. The tenants were not in attendance although the landlord claimed to have personally served the tenants with the Notice of Hearing and Application for Dispute Resolution.

At the outset of the hearing I advised the landlord that there was very little evidence in the file and in particular that the file did not contain a copy of the 1 Month Notice to End Tenancy that the landlord claims to have served on the tenants.

The landlord advised me that she had a copy of the Notice at home but had forgotten to file it with the Residential Tenancy Branch. I told the landlord that if she were able to submit a copy of the Notice by the end of the day I would be able to consider her application for an order of possession.

Subsequently, the landlord did bring a document into the Branch but it was not a Notice to End Tenancy. Rather, the landlord delivered a "Proof of Service" form with no attachment.

While the landlord may indeed have delivered a 1 Month Notice to End Tenancy to the tenants and the tenants may well have not disputed that Notice, I am not satisfied that I can make an order of possession based on the evidence before me particularly in light of the tenants' non-attendance at the hearing.

I therefore dismiss the landlord's application with liberty to reapply.

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*.