



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession, a Monetary Order for unpaid rent, to retain the Tenants' security deposit and to recover the filing fee for this proceeding.

At the start of the hearing the Arbitrator questioned the Landlord why there was no Notice to End Tenancy included in the evidence package. The Landlord said he sent everything that he was told to send when he was in the Residential Tenancy Branch office. On further questioning the Landlord said he did not know what had happened to the Notice to End Tenancy, but he thought he had submitted it. The Landlord's application package contained the Application, the Notice of Hearing, a receipt for the filing fee of \$50.00 and Canada Post information on tracking the registered letter that the Landlord sent to the Tenants.

The Tenants did not attend the hearing, so it was not possible to confirm if the Tenants received the Notice to End Tenancy.

Consequently as there is no Notice to End Tenancy in the evidence package it is not possible to determine if the Notice is valid or not. I find there is a lack of evidence to proceed with the hearing and therefore; I dismiss the Landlord's application with leave to reapply.

### Conclusion

The Landlord's application for an Order of Possession and a Monetary Order is dismissed with leave 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*.

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Residential Tenancy Branch