



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession.

At the start of the hearing the DRO questioned the Landlord why there was no Notice to End Tenancy included in the evidence package. The Landlord said she thought she had sent in the 1 Month Notice to End Tenancy for Cause with her evidence package. The Arbitrator said the evidence he received for the hearing had copies of the Application, Canada post tracking information, a narrative of events, an application to rent, the tenancy agreement and a copy of a letter from the Landlord to the Tenant dated November 29, 2012. The Landlord did not know what happened to the 1 Month Notice to End Tenancy for Cause.

The Tenant did not attend the hearing, so it was not possible to confirm if the Tenant 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 Landlords' application for an Order of Possession 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*.

Dated: January 29, 2013

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Residential Tenancy Branch

