



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, OLC, RP

Introduction

This Application for Dispute Resolution by the tenant was seeking to cancel a One-Month Notice to End Tenancy for Cause. However neither a copy of the Notice nor a copy of the tenancy agreement had been submitted into evidence.

The tenant was also seeking an order to force the landlord to comply with the Act and to do repairs to the toilet.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The participants did have an opportunity to submit documentary evidence prior to this hearing, but no evidence was received from either party.

At the outset of the hearing the tenant advised that the portion of her application pertaining to the repairs was resolved as the landlord had already repaired the broken toilet.

The tenant is still seeking an order to cancel the One Month Notice to End Tenancy for Cause.

Preliminary Matter

Section 59 (2) of the Act states that an application for dispute resolution must be in the applicable approved form and include full particulars of the dispute that is the subject of the dispute resolution proceedings. Section 62(4) provides that all or part of an application for dispute resolution may be dismissed if the application fails to disclose a dispute that may be determined under this Part.

I find that any application seeking to cancel a Notice to End Tenancy would require that a copy of the Notice under dispute be submitted into evidence. In the case before me neither the applicant nor the respondent had submitted a copy of the One-Month Notice to End Tenancy for Cause.

As I cannot proceed, due to insufficient particulars about the issue under dispute, I hereby decline to hear this matter and I make no findings with respect to the alleged One-Month Notice to End Tenancy for Cause.

Conclusion

One issue in the tenant's application was resolved prior to the hearing. The remainder of the tenant's application was not heard due to the applicant's failure to include full particulars of the dispute.

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 30, 2013

Residential Tenancy Branch

