



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNSD, MNR, MNDC, FF

Introduction

Some written arguments have been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with notice of the hearing by personal service on February 22, 2013; however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession, a request for a Monetary Order for \$2989.50, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The landlord is requesting an Order of Possession claiming that the Notice to End Tenancy was served to the tenant on February 8, 2013, and is also claiming outstanding rent and utilities totaling \$2959.50, however landlord has provided no evidence whatsoever with this claim.

Analysis

In the absence of any evidence, I'm not willing to issue any of the requested orders.

I have no evidence that a proper Notice to End Tenancy was served on the tenant, and there's not even a copy of the tenancy agreement to show the amount of rent payable, or whether the tenant is required to pay utilities.

Conclusion

This application is dismissed with leave to reapply, however since this application has been dismissed due to the landlord's failure to provide evidence, I order that the landlord bear the \$50.00 cost of the filing fee.

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: March 14, 2013

Residential Tenancy Branch

