



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC MNDC PSF FF

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") seeking to cancel a 1 Month Notice to End Tenancy for Cause (the "1 Month Notice").

The tenant, the landlord, an agent for the landlord, and a witness for the landlord attended the hearing. The hearing process was explained to the parties. The tenant confirmed that he did not submit a copy of the tenancy agreement or the 1 Month Notice in evidence.

### Preliminary and Procedural Matter

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure authorizes me to dismiss unrelated disputes contained in a single application. In these circumstances the tenant indicated several matters of dispute on the Application for Dispute Resolution, the most urgent of which is the application to set aside the 1 Month Notice. I find that not all the claims on this Application for Dispute Resolution are sufficiently related to be determined during this proceeding. I will, therefore, only consider the tenant's request to set aside the 1 Month Notice and the tenant's application to recover the filing fee at this proceeding. The balance of the tenant's application is dismissed, **with leave to re-apply**.

### Background and Evidence, Analysis and Conclusion

The hearing package provided to each applicant contains instructions on evidence and the deadlines to submit evidence, as does the Notice of Hearing provided to the parties.

The 1 Month Notice document is not a mere technicality. In fact, it is hard to imagine another document being more relevant or material to the tenant's claim, in particular when the tenant is asking to have this document cancelled.

The responsibility of proving a claim is on the person making the claim. The tenant testified that that he thought the landlord would submit the 1 Month Notice into evidence. As the tenant failed to provide a copy of the 1 Month Notice, **I find** the tenant has provided insufficient evidence to prove their claim. Therefore, I dismiss the tenant's application to dispute the 1 Month Notice **without leave to reapply**.

As the tenant's application was dismissed, **I do not grant** the tenant the recovery of the filing fee.

For the benefit of both parties, I am including a copy of *A Guide for Landlords and Tenants in British Columbia* with my Decision.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: May 07, 2013

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Residential Tenancy Branch