



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF

Introduction

This hearing involved the Tenant's Application for Dispute Resolution, seeking to cancel a Notice to End Tenancy issued by the Landlord and to recover the filing fee for the Application.

Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties provided affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure; however, I refer to only the relevant facts and issues in this decision.

Issues and Analysis

The Tenant made an Application to cancel a Notice to End Tenancy. However, he had not submitted a copy of the Notice he wanted cancelled.

The hearing package contains instructions on evidence and the deadlines to submit evidence, as does the Notice of Hearing provided to the Tenant. The Tenant submitted over 40 pages of evidence; however, none of this evidence contained a copy of the Notice to End Tenancy.

The Notice to End Tenancy 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 he is asking to have this document cancelled.

The responsibility of proving a claim is on the person making the claim. As the Tenant failed to provide a copy of the Notice, I find the Tenant has provided insufficient evidence to prove his claim.

Therefore, I dismiss the claim with leave to reapply. However, I note this does not extend any time limits under the Act.

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 Act.

Dated: September 17, 2013

Residential Tenancy Branch

