



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Langley Lions Senior Citizens Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPB, FF

Introduction

This hearing was convened by way of conference call in response to the landlord's application for an Order of Possession because the tenant has breached an agreement with the landlord and to recover the filing fee from the tenant for the cost of this application.

The tenant and landlord's agents attended the conference call hearing and gave sworn testimony. The landlord provided some documentary evidence to the Residential Tenancy Branch and to the other party in advance of this hearing. The tenant confirmed receipt of evidence. All evidence and testimony of the parties has been reviewed and are considered in this decision.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession because the tenant has breached an agreement with the landlord?

Background and Evidence

The landlord's agent testifies that the tenant has breached an agreement with the landlord concerning hoarding. The landlord has provided a One Month Notice to End Tenancy in evidence but no evidence of what agreement the tenant has breached.

The tenant testifies that she has not breached any agreement and has filed an application to dispute the One Month Notice.

Analysis

When a landlord files an application seeking an Order of Possession because the tenant has breached an agreement with the landlord then the landlord must provide evidence showing which agreement has been breached. In the absence of evidence to support this then I must dismiss the landlord's application.

Conclusion

The landlord's application is dismissed in its entirety 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: November 18, 2013

Residential Tenancy Branch

