



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MND, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession, a request for compensation for damage to the unit, site or property, to retain the Tenant's security and pet deposits and to recover the filing fee.

At the start of the hearing the Arbitrator questioned the Landlord why there was no Notice to End Tenancy included in the evidence package. The Landlord said he thought he had sent everything that he was told to send when he was in the Residential Tenancy Branch office. On further questioning the Landlord said he had not submitted the Notice to End Tenancy nor the Condition Inspection Reports when he submitted his application package, but he did have them. The Landlord's application package contained the Application, a tenancy agreement, some emails, some receipts, 7 photographs with no dates or descriptions, the Notice of Hearing and a receipt for the filing fee of \$50.00.

The Tenant did not attend the hearing, so it was not possible to confirm if the Tenant received the Notice to End Tenancy or the Notice of Hearing. As well as the Landlord did not provide the condition inspection reports so he was not able to establish a base line to measure if any damage was done to the unit.

Consequently as there is no Notice to End Tenancy and no condition inspection reports in the evidence package it is not possible to determine if the Notice is valid or not nor if there is any damage to the unit. I find there is a lack of evidence to proceed with the hearing and therefore; I dismiss the Landlord's application with leave to reapply.

Conclusion

The Landlord's application for an Order of Possession and a Monetary Order is dismissed 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: February 24, 2014

Residential Tenancy Branch