



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MND, MNR, FF

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, seeking to end the tenancy and receive an order of possession based on a 10 day Notice to End Tenancy for unpaid rent, for monetary compensation for alleged damage to the rental unit, and to recover the filing fee for the Application.

Preliminary Issues

Only the Landlord appeared at the hearing. He gave affirmed testimony and was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. However, the Landlord had submitted no documentary evidence, such as the 10 day Notice to End Tenancy for unpaid rent, in evidence.

The Landlord testified he served the Tenant with the Notice of the Hearing; however, the Landlord was not able to recall the date he served the Tenant with the Notice of Hearing.

The Landlord's Application for Dispute Resolution, and the hearing package provided to all Applicants, explains the hearing process and what evidence is required.

In particular, the Landlord's Application sets out the following, among other information: "When a dispute involves a Notice to End Tenancy ... the Notice to End Tenancy must be submitted to the Residential Tenancy Branch."

The Landlord failed to provide a copy of the Notice to End Tenancy to the Branch in evidence.

Conclusion

The Application form requires the Landlord to submit a copy of the Notice to End Tenancy in evidence. As well, 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 10 day Notice to End Tenancy for unpaid rent document is not a mere technicality. In fact, it is hard to imagine another document being more relevant or material to the Landlord's claim, in particular when he is asking to have this document support the eviction of the Tenant.

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

I further find the Landlord has provided insufficient evidence to prove he served the Tenant with the Notice of Hearing or his Application for Dispute Resolution.

For these reasons I dismiss the Landlord's Application without leave to reapply. The Landlord may consult with an Information Officer at the Branch as to any information he requires.

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: February 19, 2014

Residential Tenancy Branch

