



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent, to recover the filing fee and to retain the Tenant's security deposit.

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 had sent the Notice with a Direct Request application, but he may have forgotten to put the Notice in this application. The Landlord's application package contained the Application, the Notice of Hearing, the tenancy agreement, a rent statement and a copy of a hydro bill addressed to the #2 unit in the rental complex.

The Tenant did not attend the hearing, so it was not possible to confirm if the Tenant received the Notice to End Tenancy.

Consequently as there is no Notice to End Tenancy in the evidence package it is not possible to determine if the Notice is valid or not. 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: April 14, 2014

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Residential Tenancy Branch

