



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR, FF, MNDC

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Both parties participated in the conference call hearing. Section 46 says a landlord may end a tenancy by giving notice to end the tenancy for unpaid rent or utilities. In the case before me neither party has supplied a copy of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. The tenant stated that she has not been served a notice to end tenancy but only the Notice of Hearing document for today's conference call.

I spent a large portion of the hearing explaining the crucial and vital nature of this document to both parties. The Notice is not a trivial piece of information. It is the foundation that a landlord relies on to assist in their application to end a tenancy. Neither party could agree as to when or if the Notice was issued. The landlord bears the burden of providing evidence to support their claim. In the matter before me the landlord has not submitted any documentation. The tenant is entitled to have full answer and defence of any allegation made against them as is required under the Natural Laws of Justice.

Based on the above I hereby dismiss any notices issued by the landlord up to the date of filing of October 10, 2014. The landlord will need to issue a new 10 Day Notice to End Tenancy for Unpaid Rent or Utilities if the parties are unable to resolve the matter.

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 24, 2014

Residential Tenancy Branch

