



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This was a hearing with respect to the landlord's application for an order for possession and a monetary order for unpaid rent. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not attend the hearing. The landlord said at the hearing that the tenant was personally served with the application and Notice of Hearing.

### Issue(s) to be Decided

Is the landlord entitled to an order for possession?  
Is the landlord entitled to a monetary award for unpaid rent?

### Background and Evidence

In the application for dispute resolution the landlord requested an order for possession pursuant to a Notice to End Tenancy for unpaid rent. She requested a monetary order in the amount of \$1,400.00. She said in her application that: "Never paid rent on time and this time haven't paid till date."

The landlord's application stated that the tenant was served with a Notice to End Tenancy on December 5, 2014, attached to the door.

The landlord did not submit any documentary evidence in support of her application. She did not provide a copy of a Notice to End Tenancy and she did not submit a copy of a tenancy agreement. The landlord did not submit any documentary evidence with respect to rent payments and she did not provide any documentary evidence with respect to service of the application and Notice of Hearing upon the tenant.

At the hearing the landlord testified that when she attended at the Residential Tenancy Branch to file her application she was told by a Residential Tenancy Branch employee that it was not necessary for her to supply any documents in support of her application. She said that she had copies of documents with her, but she was told by an information

officer that she did not need to leave copies of the documents with the Residential Tenancy Branch and her claim would be addressed at a telephone hearing.

At the hearing I advised the landlord that, in the absence of documentary evidence to support her claim, I had no alternative but to dismiss her application with leave to reapply. The landlord insisted that her application should be dealt with and that the Residential Tenancy Branch procedures were not communicated to her and they were unreasonable and unfair.

### Analysis

The Notice of Hearing letter given to the landlord for service upon the tenant and to advise her about the hearing, contains the following heading in bold, followed by five numbered paragraphs:

#### **GENERAL INFORMATION about your responsibility and the hearing**

The first numbered paragraph provides:

1. Evidence to support your position is important and must be given to the other party and to the Residential Tenancy Branch before the hearing. Instructions for evidence processing are included in this package. Deadlines are critical.

I find that the applicant was made aware of the requirement to deliver documentary evidence to support her claim to the Residential Tenancy Branch and to the respondent before the hearing.

### Conclusion

In the absence of necessary documentary evidence, this application 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: January 15, 2015

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Residential Tenancy Branch

