



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by *registered mail* in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

It must be noted that this matter is not accompanied by any document evidence.

The undisputed testimony of the landlord is that the tenant failed to pay rent for a number of years. The landlord claims that in response they gave the tenant a 1 Month Notice to End Tenancy for Cause, which the landlord claims was for non-payment of rent. The landlord seeks to end the tenancy for non-payment of rent and acknowledged they did not give the tenant a 10 Day Notice to End for Unpaid Rent or Utilities.

Analysis

Based on the landlord's testimony and in the absence of any document evidence, I find that the landlord has not provided evidence they served the tenant with the required Notice to End for non-payment of rent. But none the less, if they had done so, the

landlord has not provided a copy of it into evidence for an Arbitrator to determine its validity. Based on the above facts I find that the landlord has not provided the required evidence to support their application, and are therefore not entitled to an Order of Possession. The landlord's application is **dismissed**, with leave to reapply.

Conclusion

The landlord's application **is dismissed**, with leave to reapply.

This Decision is final and binding on both parties.

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: March 30, 2015

Residential Tenancy Branch

