



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction and Preliminary Matters

This hearing was convened as a result of the landlord's application for dispute resolution under the Residential Tenancy Act ("Act"). The landlord applied for an order of possession pursuant to a 1 Month Notice to End Tenancy for Cause ("1 Month Notice"), a monetary order for money owed or compensation for alleged damage to the rental unit, and for recovery of the filing fee paid for this application.

The parties attended, gave an affirmation, the hearing process was explained, and they were given an opportunity to ask questions about the hearing process.

Thereafter the landlord was questioned about the Notice, as there was not a copy of the document in his evidence. The landlord did not disagree that he had not provided the document, but stated he could send the Notice after the hearing.

The tenant submitted that he was served a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice"), but was never served a 1 Month Notice.

It is noted that the landlord originally applied additionally for an order of possession for the rental unit based upon a 10 Day Notice, but had marked through that request. I also further note that there was not a copy of the 10 Day Notice included with the landlord's evidence.

I have also determined that the portion of the landlord's application seeking monetary compensation for alleged damage to the rental unit is unrelated to the primary issue of enforcing a Notice and seeking an order of possession. As a result, pursuant to section 2.3 of the Dispute Resolution Rules of Procedure (Rules), I have severed the landlord's application and dismissed that portion seeking monetary compensation of \$400.00, with leave to reapply.

Analysis and Conclusion

Section 2.5 of the Dispute Resolution Rules of Procedure requires that an applicant, when requesting an order of possession, must submit with their application a copy of the Notice upon which the request is made. In this case, the landlord did not provide a copy of the Notice and the tenant denied receiving a 1 Month Notice.

I therefore declined to go forward on the landlord's application, due to his failure to comply with the Rules and due to insufficient evidence as I would not be able to enforce a Notice that I cannot review.

I therefore dismiss the landlord's application, without leave to reapply.

The portion of the landlord's application seeking monetary compensation was severed and 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: May 5, 2015

Residential Tenancy Branch

