



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, 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 for the rental unit pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("Notice"), a monetary order for unpaid rent, and for recovery of the filing fee paid for this application.

The landlord attended the hearing; however, the tenant did not attend.

While I was satisfied the landlord served the tenant notice of the hearing in a manner complying with section 89(1) of the Act, the landlord was questioned about the Notice, as there was not a copy of the document submitted into evidence. The landlord submitted that he attached the Notice to the tenant's door and did not keep a copy of the document. The landlord submitted further that he did take a picture of the Notice with his girlfriend's mobile device after attaching it to the door, but had not supplied a copy of that picture.

In response to my question, the landlord stated he could attempt to send a copy of the photograph to me and was given until the close of office hours the business day following the hearing, or June 15, 2015. After waiting until that time, I had not received further evidence from the landlord.

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.

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 for content and compliance with the Act.

I therefore dismiss the landlord's application.

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: June 17, 2015

Residential Tenancy Branch

