



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR MNR MNDC FF

### Introduction and Analysis

This hearing dealt with the applicants' Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for an order of possession for unpaid rent or utilities, for a monetary order for unpaid rent or utilities, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to recover the cost of the filing fee.

Applicant N.S. (the "applicant") attended the teleconference hearing. The respondents did not attend the hearing. As the respondents did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") and Application for Dispute Resolution (the "Application") were considered. The applicant testified that the Notice of Hearing and Application was served by personal service on the respondents on August 17, 2015. Witness I.S. affirmed under oath that he was present when his father served the male respondent.

The applicant did not submit a copy of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "10 Day Notice") or the tenancy agreement in evidence. The applicant was given 29 minutes to locate the documents during the hearing, and was unable to do so.

Based on the above, and taking into account that the applicant was not able to testify as to the start date of the tenancy, or regarding any details of the 10 Day Notice, I am not satisfied that a tenancy agreement was formed between the applicant and the respondents. Therefore, **I dismiss** the applicant's application **with leave to reapply**. I do not make a finding regarding jurisdiction as the applicant has been provided leave to reapply. I note this decision does not extend any applicable time limits under the *Act*.

### Conclusion

The applicant's application is dismissed with leave to reapply due to insufficient evidence regarding the existence of a tenancy between the applicant and the respondents. This decision does not extend any applicable time limits under the *Act*.

If the applicant is a landlord and is unable to locate a copy of the original 10 Day Notice, the applicant will have to issue a new 10 Day Notice before re-applying if he is seeking an order of possession. If a written tenancy agreement exists between the applicant and the respondents, the landlord is encouraged to submit a copy of that document in any future application.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: September 25, 2015

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Residential Tenancy Branch

