



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TUYET KHANH HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, seeking to end the tenancy and obtain an order of possession based on a Notice to End Tenancy issued for alleged cause.

Only the Agent for the Landlord and a person assisting the Agent appeared at the hearing.

The Landlord provided no documentary evidence when they submitted the Application or afterwards.

Preliminary Matters

The Landlord made an Application based on a Notice to End Tenancy. However, the Landlord has not submitted a copy of the Notice in evidence. Under the Rules of Procedure section 2.5, the Landlord was required to submit a copy of the Notice to End Tenancy when they filed the Application. The Landlord failed to do so.

The Application for Dispute Resolution form also sets out that the Landlord must submit a copy of the Notice to End Tenancy in evidence. As well, the hearing package documentation provided to each Applicant contains instructions on evidence and the deadlines to submit evidence, as does the Notice of Hearing provided to the parties.

The Notice to End Tenancy document is not a mere technicality. In fact, it is hard to imagine another document being more relevant or material to the Landlord's claim, in particular when they are asking to have this document support the eviction of the Tenant.

Furthermore, the Landlord did not provide a copy of the tenancy agreement. In the particulars of the claim the Landlord states that the, "person who signed contract does not live there." Therefore, a copy of the tenancy agreement should have been provided in evidence.

The responsibility of proving a claim is on the person making the claim. As the Landlord failed to provide a copy of the Notice or the tenancy agreement, I find the Landlord has provided insufficient evidence to prove this claim.

I further find the Landlord has provided insufficient evidence to prove they served the Tenant with the Notice of Hearing and Application for Dispute Resolution, or with the Notice to End Tenancy document.

Analysis

Based on my findings above, I find the Landlord has provided insufficient evidence to prove the claims made in the Application for Dispute Resolution.

Therefore, I dismiss the Landlord's Application with leave to reapply.

Conclusion

The Landlord failed to provide sufficient evidence to prove their claims. The Application is dismissed with leave to reapply.

This decision is final and binding 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: January 05, 2016

Residential Tenancy Branch

