



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Double R Enterprises
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPL, CC

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 2 Month Notice to End Tenancy for Landlord's Use of the Property (the "Notice") and for recovery of the filing fee paid for this application.

The parties attended and the matter of the landlord's lack of evidence was examined, as there was not a copy of the document in his evidence. The landlord stated he brought in a copy of the Notice when he filed his application. The tenant was questioned and submitted that he did not receive any evidence with the landlord's application.

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 copy of the Notice with the landlord's application.

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.

As I have not determined the merits of the landlord's Notice, they are at liberty to issue another Notice upon the tenant.

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: January 22, 2016

Residential Tenancy Branch

