



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR

Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy and for a monetary award for unpaid rent and occupation rent.

The tenant did not attend the hearing within ten minutes after its scheduled start time.

This application appears to have been a direct request application at first, but reassigned for some reason to a full hearing before an arbitrator. There is no evidence of any decision having been made at the direct request level.

The landlord does not appear to have filed a copy of the ten day Notice to End Tenancy. There is not one on the file. An applicant is required to file that document before the hearing (Rule 2.5).

The Residential Tenancy Case Management System does not indicate that any material has been filed.

The landlord's representative Ms. N.M. is not able to prove service of the application and notice of hearing on the tenant. She reports that a third party, a Mr. P.W. served the documents. Without either the testimony or a certificate of service from Mr. P.W., Ms. N.M.'s second hand evidence will not suffice.

The application is therefore dismissed, with leave to re-apply.

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: October 28, 2016

Residential Tenancy Branch

