



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNR, DRI, FF, MNDC, MNSD

Introduction

This is an application brought by the tenant requesting an order canceling a 10 day Notice to End Tenancy an order canceling a one-month Notice to End Tenancy, and requesting a monetary order for \$926.00 and recovery of the \$100.00 filing fee.,

A substantial amount of documentary evidence, digital evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed

Issue(s) to be Decided

First of all it is my decision that I will not deal with all the issues that the applicant has put on the application. For claims to be combined on an application they must related.

Not all the claims on this application are sufficiently related to the main issue to be dealt with together.

I therefore will deal with requests to counsel the notices to end tenancy, and I dismiss the remaining claims with liberty to re-apply.

Decision reasons

On the application for dispute resolution the applicant states that he is received two notices to end tenancy, a one-month notice to end tenancy, and a two-month notice to end tenancy.

The application for dispute resolution however does not contain either of these notices and therefore, there is no way for me to determine whether or not the notices are valid.

I questioned the applicant as to why neither of these notices has been supplied, and he stated that, when he asked the Residential Tenancy Branch whether he should be supplying the notices, he was not instructed to do so; he was just told, he could if he wanted to. Obviously, I have no way of knowing what was said to the tenant by the Residential Tenancy Branch, however it's the tenant's responsibility to ensure that he provides evidence for his hearing.

In the absence of any notices to end tenancy, it is my decision that I will not proceed with the hearing today, and this application is dismissed, with leave to reapply.

I note, however, that by dismissing this with leave to reapply, I am not granting an extension of the time limit required in which to dispute the Notices to End Tenancy, this application is being dismissed with leave to reapply, simply because I have no way of knowing whether or not the tenant has received a valid notice to end tenancy.

Conclusion

This application is dismissed in full, with leave to reapply.

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: May 17, 2017

Residential Tenancy Branch