



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SINCERE REAL ESTATE SERVICES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession, a monetary Order for unpaid rent and to recover the filing fee.

At the start of the conference call the Landlord was made aware that they did not provide a copy of the Tenancy Agreement nor the 10 Day Notice to End Tenancy for unpaid rent that was referred to in the Landlord's application. The Landlord's did submit a 10 Day Notice to End Tenancy for unpaid rent which was dated July 19, 2017 which was 8 days after the application was made on July 11, 2017. The Landlord's application indicated a 10 Day Notice to End Tenancy for unpaid rent was issued on April 11, 2017 but this Notice was not submitted in the evidence package. The Tenant did not attend the hearing so it was not possible to confirm a tenancy exists between the parties and if the Tenant actually received a valid 10 Day Notice to End Tenancy for unpaid rent. Without a copy of a valid Notice to End Tenancy and a copy of the tenancy agreement there is no grounds to establish there is a tenancy and that the Tenant was given a valid Notice to End Tenancy. Consequently the Landlord's claims and the application are not supported by evidence. I dismissed the Landlord's application with leave to reapply due to a lack of evidence.

Conclusion

The Landlord's application is dismissed 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: September 27, 2017.

Residential Tenancy Branch