



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The participatory hearing was held on January 24, 2018. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession for unpaid rent or utilities; and,
- a monetary order for unpaid rent or utilities.

The Landlord's Agent, A.M. (referred to as the Landlord), provided testimony at the hearing. The Tenant did not attend the hearing.

The Landlord stated that he served the Notice of Hearing to the Tenant on November 12, 2017, in person. I find the Tenant received the package on this day.

Preliminary Matters

During the hearing, the Landlord explained that they issued a 10-Day Notice to End Tenancy for unpaid rent (the Notice) to the Tenant on August 31, 2017. I explained to the Landlord that I did not have a copy of the Notice before me and I informed the Landlord that his application would be dismissed if he did not provide a copy of the Notice (which is central to the issues before me) to me by fax within two hours, at the number I provided. The Landlord stated this would not be a problem. I monitored the fax machine, and no Notice was received within the time I allowed. I also checked the fax machine the following morning at 9:00 am, and nothing had been received. Without this Notice, I find there is insufficient evidence to show what rent was owed, or that there is grounds to end the Tenancy. As such, the Landlord's application is dismissed in full, without leave to reapply.

Conclusion

The Landlord's application is dismissed, in full, without leave to reapply.

The Landlord is at liberty to re-issue another 10 Day Notice to End Tenancy should rent remain unpaid and to pursue compensation for any accrued unpaid rent at that time. The tenancy will continue until ended in accordance with the Act.

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 25, 2018

Residential Tenancy Branch