



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DUNCAN HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for cause.

The tenant and an agent for the landlord attended the hearing, and the landlord's agent was affirmed.

The landlord has provided evidentiary material which was also provided to the tenant, however neither party has provided a copy of a notice to end the tenancy.

Where a tenant disputes a notice to end a tenancy given by a landlord, the onus is on the landlord to establish that it was given in accordance with the *Residential Tenancy Act*.

The Rules of Procedure require a tenant who disputes a notice to end a tenancy given by a landlord to provide a copy as evidence for the hearing of the dispute. Since the tenant has not done so, I dismiss the tenant's application.

The *Residential Tenancy Act* states that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord, so long as the notice given is in the approved form. Since neither party has provided a copy, I cannot be satisfied that any notice given is in the approved form. Therefore, I decline to issue an Order of Possession in favour of the landlord.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed.

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: March 08, 2018

Residential Tenancy Branch