



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNL, FF

Introduction

This matter dealt with an application by the Tenant for more time to make the application, to cancel a 2 Month Notice to End Tenancy for Landlord's Use of the Property and to recover the filing fee.

At the start of the hearing the Arbitrator indicated there was no corroborative evidence submitted with the application from either the Tenant or the Landlord. As a result there was no Notice to End Tenancy included in the evidence package. With no Notice to End Tenancy to review the Arbitrator said he was unable to validate the Notice to End Tenancy.

Further the Arbitrator said to the Tenant that with no corroborative evidence to prove that the Tenant had a serious and compelling reason for filing the application late he would probably not be successful in being granted more time to make the application.

Consequently as there is no Notice to End Tenancy in the evidence package it is not possible to determine if the Notice is valid or not. I find there is a lack of evidence to proceed with the hearing and therefore; I dismiss the Tenant's application and I dismiss the Landlord's right to an Order of Possession.

As the Tenant has not been successful in this matter I order the Tenant to bear the cost of the \$100.00 filing fee.

Conclusion

The Tenant's application is dismissed.

The Landlord's right to an Order of Possession is 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: June 11, 2018

Residential Tenancy Branch