



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for an Order of Possession for unpaid rent pursuant to section 55.

The tenant did not attend this hearing which lasted approximately 15 minutes. The teleconference line remained open during the duration of the hearing. The landlord appeared and was given a full opportunity to make submissions, give evidence and to call witnesses.

The landlord said that they had issued a 10 Day Notice to End Tenancy for Unpaid Rent on March 7, 2019 by posting on the rental unit door. The landlord did not submit a copy of the 10 Day Notice. The landlord submitted into evidence a Proof of Service form relating to a 1 Month Notice that was posted on the rental unit door on February 1, 2019.

Analysis

The onus to prove their application on a balance of probabilities lies with the applicant. In the absence of a 10 Day Notice in documentary evidence, no Proof of Service for that 10 Day Notice, I find that the testimony of the landlord to be insufficient to find that a Notice was issued, that there is an underlying basis for the issuance of the Notice or that it was served on the tenant in accordance with the *Act*.

As the landlord has failed to establish their claim on a balance of probabilities, I dismiss the application.

Conclusion

The application is dismissed without 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 10, 2019

Residential Tenancy Branch