



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction, Preliminary and Procedural Matters

This hearing was convened as the result of the tenant's application for dispute resolution under the Residential Tenancy Act ("Act"). The tenant applied for an order cancelling the landlord's One Month Notice to End Tenancy for Cause (the "Notice").

The tenant, his social worker, the landlord's agent and their witness attended, the hearing process was explained and they were given an opportunity to ask questions about the hearing process.

Neither the tenant nor the landlord provided a copy of the Notice.

The parties were informed that I would proceed with the hearing with the understanding that one of the parties would need to provide a copy of the Notice after the hearing.

Upon questioning, neither the tenant/applicant nor landlord/respondent could find a copy of the Notice to send.

I informed the parties that without a copy of the Notice that I could review for form and content to ensure compliance with the requirements of the Act, I would be unable to consider either cancelling the Notice, as requested by the tenant, or upholding the Notice, as requested by the landlord. As a result, the parties were informed the hearing would not proceed, due to insufficient evidence.

As the tenant has not provided the most necessary evidence as described above, I dismiss the tenant's application, without leave to reapply.

Due to the landlord's insufficient evidence as described above, I decline to grant the landlord an order of possession of the rental unit as I could not determine if the Notice complied with section 52 of the Act.

Conclusion

The tenant's application is dismissed, without leave to reapply.

The landlord has not been granted an order of possession of the rental unit.

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 6, 2019

Residential Tenancy Branch