



# 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. A participatory hearing was held on July 6, 2021. The landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession based off a 10 Day Notice to End Tenancy for Unpaid Rent (the Notice); and,
- a monetary order for unpaid rent or utilities.

The Landlord attended the hearing and provided affirmed testimony. The tenants did not attend the hearing. The Landlord testified that he sent the application package, Notice of Hearing and his supporting evidence to each of the tenants on June 8, 2021, by registered mail. Proof of mailing was provided. I find the Tenants are deemed to have received this package on June 13, 2021, the fifth day after their registered mailing, pursuant to Section 90 of the *Act*.

The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Preliminary Matters

Upon review of the Landlord's application, it became apparent the Landlord had failed to provide a copy of the Notice to End Tenancy either at the time of his application, or leading up to the hearing. In fact, no documentary evidence was submitted alongside

the application for dispute resolution. No monetary worksheet or clear breakdown was provided in terms of what rent is owed, and during the hearing, the Landlord was unable to articulate what payments were made, and when in a clear and coherent manner. I was also unable to ascertain specifics about what information was contained in the Notice to End Tenancy he issued in May 2021.

I note the following Rule of Procedure:

***2.5 Documents that must be submitted with an Application for Dispute Resolution***

*To the extent possible, the applicant should submit the following documents at the same time as the application is submitted:*

- a detailed calculation of any monetary claim being made;*
- a copy of the Notice to End Tenancy, if the applicant seeks an order of possession or to cancel a Notice to End Tenancy; and*
- copies of all other documentary and digital evidence to be relied on in the proceeding, subject to Rule 3.17 [Consideration of new and relevant evidence].*

*When submitting applications using the Online Application for Dispute Resolution, the applicant must upload the required documents with the application or submit them to the Residential Tenancy Branch directly or through a Service BC Office within three days of submitting the Online Application for Dispute Resolution.*

The Landlord failed to provide essential documents for this application, including the Notice to End Tenancy, as well as a detailed calculation of the monetary claim. The Landlord did not explain why he was unable to provide the Notice to End Tenancy prior to this hearing. Without the Notice to End Tenancy, and without a clearly articulated breakdown of what is owed, I find the Landlord's application ought to be dismissed, with leave to reapply.

I encourage the Landlord to ensure he provides the above noted documents should he wish to re-file his application, and he should be prepared to elaborate and explain on what amounts are owed, and what payments have been made.

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: July 06, 2021

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Residential Tenancy Branch