



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, RR

Introduction, Preliminary and Procedural Matters-

This hearing convened to deal with the tenant's application for dispute resolution (application) seeking remedy under the Residential Tenancy Act (Act). The tenant applied for an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued by the landlord and a reduction in monthly rent.

The tenant, the landlord and the landlord's translator attended, the hearing process was explained, and they were given an opportunity to ask questions about the hearing process. All parties were affirmed.

Thereafter, I asked the parties about their evidence.

The tenant's evidence was a partial copy of a written tenancy agreement and a photograph of a child.

The landlord's evidence was 11 pages, consisting of a small written statement, a timeline of events, and text messages between the parties with translation.

Neither party filed a copy of the 10 Day Notice. I canvassed the parties to determine if there could be a consensus as to the contents of the Notice, and the tenant claimed not to have a copy in front of them or available.

Without a copy of the Notice to review, I could not make a determination as to whether the Notice was in the proper form with content required under section 52 of the Act.

The key, but missing, evidence for this hearing, was the Notice.

As the landlord did not file a copy of the Notice, I find the landlord submitted insufficient evidence to support the Notice. As a result, I do not issue the landlord an order of possession of the rental unit or a monetary order for unpaid rent.

As the tenant did not file a copy of the Notice, I find the tenant submitted insufficient evidence to support that the Notice should be cancelled.

I therefore **dismiss** the tenant's request for cancellation of the Notice, **without leave to reapply**.

As to the tenant's request for a reduction in monthly rent, the tenant's claim actually was a monetary claim of \$500. I find the tenant provided insufficient particulars for this claim, as there was no breakdown of the monetary claim.

For this reason, I **dismiss** the tenant's request for a reduction in monthly rent, **with 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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: May 05, 2023

Residential Tenancy Branch