DECISION

Dispute Codes   CNC, FF, OPC, MNDC

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlords. Both files were heard together.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy that was given for cause.

The tenant's application is a request for an order setting aside the Notice to End Tenancy that was given for cause

Decision and reasons

Neither the landlord nor the tenant has supplied a copy of the alleged Notice to End Tenancy, and therefore I have no way of determining whether or not a valid Notice to End Tenancy has even been given.

It is the landlord who has the burden of proving that a valid Notice to End Tenancy has been served, and since neither side has provided a copy of any Notice to End Tenancy, it is my decision that the landlord has not met that burden of proof.

I therefore deny the request for an Order of Possession and if the landlord still wishes to end this tenancy he will have to serve a proper Notice to End Tenancy on the tenant. Since neither the landlord nor the tenant has supplied a copy of the Notice to End Tenancy, both applications are 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: February 14, 2011.

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Residential Tenancy Branch