Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   CNL, MNDC, MT, FF

Introduction

This matter dealt with an application by the Tenant to cancel a Notice to End Tenancy for Landlord's Use of the Property, for compensation for loss or damage under the Act, regulations or tenancy agreement, for more time to make the application and to recover the filing fee for this proceeding.

The Tenants said they served the Landlord with the Application and Notice of Hearing (the "hearing package") by registered mail on April 19, 2013. Based on the evidence of the Tenants, I find that the Landlord was served with the Tenants' hearing package as required by s. 89 of the Act and the hearing proceeded with both parties in attendance.

At the start of the hearing the Arbitrator questioned the Landlord and the Tenant why there was no Notice to End Tenancy included in the evidence package. The Landlord said he had a realtor (his agent) send in the evidence so he was not sure of why the Notice to End Tenancy was not included. The Tenant did not say why he did not include the Notice to End the Tenancy in his evidence package.

The Tenants' application package contained the Application, the Notice of Hearing, a postal receipt and a receipt for the filing fee of $50.00.

The Landlord's evidence package contained a 1 page letter from the Landlord and a 3 page letter from the Realtor.

Consequently as there is no Notice to End Tenancy in the evidence package it is not possible to determine if the Notice is valid or not. I find there is a lack of evidence to proceed with the hearing and therefore; I dismiss the Tenants' application with leave to reapply.

<u>Conclusion</u>

The Tenants' application for an Order of Possession and a Monetary Order is dismissed 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*.

Dated: May 14, 2013

_____
Residential Tenancy Branch