



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing was convened as a result of the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act"). The tenant applied for an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice").

The tenant dialed into the telephone conference call hearing; the landlord did not.

The tenant testified that he served the landlord with the Application for Dispute Resolution and Notice of Hearing by leaving the documents with the landlord on July 29, 2014.

Based upon the submissions of the tenant, I find the landlord was served notice of this hearing and the tenant's application in a manner complying with section 89(1) of the Residential Tenancy Act and the hearing proceeded in the landlord's absence.

I have reviewed all oral and documentary evidence before me that met the requirements of the Dispute Resolution Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

Is the tenant entitled to an order cancelling a 10 Day Notice?

Background and Evidence

As no evidence was before me, I inquired of the tenant if he submitted any evidence with his application. The tenant said he brought some evidence with him to the Residential Tenancy Branch ("RTB") office when he filed his application, but that he did not want to submit anything until he spoke with someone.

I asked the tenant some questions about the Notice, but he would not answer, stating it was not his problem that he didn't have the paperwork. At another time, the tenant said he did file evidence, but confirmed that he had the original Notice with him, and was non-responsive when I asked if he had made copies.

The tenant further stated that he did not understand why the notice the hearing is based on is considered evidence.

The tenant gave testimony as to why he believes he owes the landlord some rent, but not the amount requested. It is unclear on what amount is requested. Some of the reasons the tenant gave for not owing as much rent is due to the rental unit being an illegal apartment, the landlord's lying, and the ongoing construction.

The tenant mentioned that he would like the hearing to be rescheduled so he could submit evidence.

Analysis

A Notice to End Tenancy, in this case a 10 Day Notice for unpaid rent, as claimed by the tenant, can only be enforced if it complies with the requirements of section 52 of the Act. Without being able to review a copy of the Notice to End Tenancy that is the subject of this application and without any other information about the Notice, I find I do not have enough information to cancel the Notice.

I therefore find that the tenant has submitted insufficient evidence to support his application, and I dismiss the tenant's application, with leave to reapply.

Conclusion

The tenant's application 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: September 30, 2014

Residential Tenancy Branch

