



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

Dispute Codes: OPL

## Decision and Reasons

This hearing dealt with an application by the landlord for an order of possession.

The relevant evidence of the landlord was as follows. On May 31, 2008, the landlord's agent personally served the tenant with a 2 month notice to end tenancy. The landlord first gave evidence that he wrote out two copies of the 2 month notice by hand. However, the landlord submitted one original copy as evidence for the hearing and in the hearing he provided a second original copy that was in his possession. The landlord provided the tenant with one month's free rent for the month of July, as required by the Act.

The evidence of the tenant was that he did not ever receive a copy of the 2 month notice from the landlord. Further, the tenant has always paid his rent in full on the first of the month and he is paid up to date for September 2008.

In considering all of the evidence of both parties, I am not satisfied that the landlord could have served the tenant with a copy of the notice. The landlord's own testimony was that he produced two original copies of the notice, one of which was submitted to the Residential Tenancy Branch and one of which the landlord retained. I dismiss the landlord's application, with the effect that the tenancy continues.

Dated September 8, 2008.