



Dispute Resolution Services

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

Decision

Dispute Codes: OPR, MNR, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for rental arrears, money owed or compensation for damage or loss, and recovery of the application filing fee. The landlord's agent appeared and gave affirmed testimony. The tenant did not appear. As no particulars were set out on the landlord's application, the landlord's agent withdrew the request for compensation for damage or loss under the Act. All of the testimony and documentary evidence available was carefully considered.

Issue(s) to be Decided

- Whether the landlord is entitled to an order of possession.
- Whether the landlord is entitled to a monetary order.

Background and Evidence

The tenancy began on August 15, 2007. Rent in the amount of \$650.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected a security deposit from the tenant in the amount of \$325.00. The tenant paid only partial rent for the month of June 2008, and failed to pay the full rent for each of the months of July, August and September 2008. The landlord seeks a monetary order in the amount of \$2,468.41. This comprises rental arrears in the amount of \$468.41 for June 2008, \$1,950.00 combined for July, August and September 2008, and the \$50.00 filing fee for this application.

The landlord provided a copy of the 10 Day Notice to End Tenancy for Unpaid Rent. The landlord's agent said her understanding was that the notice was pinned to the tenant's entrance door by her predecessor on August 4, 2008, with the effective date of August 14, 2008. However, the landlord's agent was unable to confirm whether or how the notice of hearing and the application for dispute resolution may have been served on the tenant by her predecessor, and no documentary evidence was provided by the landlord in this regard.

Analysis

While the landlord has provided a copy of the notice to end tenancy, I find the landlord has provided insufficient evidence that the tenant was served with the notice of hearing and the application for dispute resolution.

Conclusion

The notice to end tenancy is hereby cancelled, with the effect that the tenancy continues. I also find the landlord is not entitled to a monetary order. In the result, the landlord's application is dismissed with leave to re-apply.

September 19, 2008