



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes:

CNR, LRE, AS, RR, OP, MNR, OPB, FF

Introduction

This was a cross-application hearing.

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for an Order of possession, a monetary Order for unpaid rent, for breach of an agreement with the landlord and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The tenant made application to cancel a notice to end tenancy for unpaid rent, to suspend the landlord's right to enter the rental unit, for authorization to change the locks to the rental unit, to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided and to recover the filing fee from the landlord for the cost of this Application for Dispute Resolution.

Preliminary Matter

The landlord stated that a copy of the Application for Dispute Resolution and Notice of Hearing was served to the tenant by posting the Notice to the door of the rental unit. An application by a landlord requesting an Order of possession under section 55 of the Act must be given to the tenant in one of the following ways:

- by leaving a copy with the tenant;
- by sending a copy by registered mail to the address at which the tenant resides;
- by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;
- by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;
- as ordered by the director under section 71 (1)

If a party is requesting a monetary Order the copy of the Application for Dispute Resolution must be served to a tenant in one of the following ways:

- by leaving a copy with the person;
- by sending a copy by registered mail to a forwarding address provided by the tenant;

- as ordered by the director under section 71 (1)

I find that the landlord has properly served the tenant with notice of this hearing for the purposes of an application for an Order of Possession; however, the tenant did not appear at the hearing.

The tenant has not attended the hearing in response to the landlord's application for dispute resolution or for the purpose of her scheduled hearing, therefore; I find that the tenant's application is dismissed without leave to reapply.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an Order of possession, a monetary Order for unpaid rent and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to sections 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord provided a copy of a 10 Day Notice to End Tenancy issued on May 26, 2009. This Notice is not signed by the landlord. The notice issued by the landlord includes the landlord's printed name but does not include a signature.

The landlord testified that the tenant will not pick up her mailbox key and that the landlord is not confident that the tenant will receive any mail sent to her. The landlord stated that this is why they posted their application to the door of the rental unit.

Analysis

Section 52 of the Act determines that a notice to end tenancy must be signed by the landlord. In the absence of a signature on the notice to end tenancy I find that the 10 Day Notice to End Tenancy for Unpaid Rent issued on May 26, 2009 is of no force or effect and is cancelled.

I have determined that the landlord's application for monetary compensation is dismissed with leave to reapply.

The tenant has applied for dispute resolution and on that application she has provided her residential address as her service address. As determined by the Act; if this continues to be the address where the tenant resides the landlord may use that mailing address for service purposes.

Conclusion

The 10 Day Notice to End Tenancy issued on May 26, 2009 is of no force or effect and is cancelled.

The landlord's application for a monetary claim is dismissed with leave to reapply.

The tenant's application for dispute resolution is dismissed without leave to reapply.

The landlord's request for filing fee costs is dismissed.

Dated July 09, 2009.

Dispute Resolution Officer