



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and to recover the filing fee for this proceeding.

Issues(s) to be Decided

1. Is the Landlord entitled to end the tenancy?

Background and Evidence

This month to month tenancy started on May 1, 2009. Rent is \$650.00 per month payable in advance on the 1st day of each month.

On or about July 10, 2009, the Landlord served the Tenant with a 2 Month Notice to End Tenancy for Landlord's Use of Property. A copy of the 2 Month Notice was not provided as evidence at the hearing but the Landlord said it was supposed to take effect on September 23, 2009. The Tenant said she was not sure what month she was supposed to get free rent for so she offered the Landlord ½ of the rent for August 2009 but the Landlord would not accept it. The Tenant admitted that she has not paid rent for August, September or October 2009.

The Landlord served the Tenant in person on August 3, 2009 with a 10 Day Notice to End Tenancy for Unpaid Rent and Utilities. The Landlord provided a copy of the first page of the 10 Day Notice as evidence at the hearing but claimed that both pages of the Notice were served on the Tenant. The Tenant claimed that she was served with only the first page of the 10 Day Notice. At the time of the hearing, the Landlord could locate only the first page of the 10 Day Notice.

Analysis

Section 52 of the Act says that in order for a Notice to End Tenancy to be effective, it must be in the approved form (among other things). The approved form of the 10 Day Notice to End Tenancy contains two pages; page two of the Notice provides information



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to a tenant about the Landlord's right to seek an Order of Possession if the tenant does not respond to the notice.

The Landlord has not provided page two of the Notice to End Tenancy and the Tenants claimed that they did not receive the second page. Consequently, I cannot conclude that a valid Notice was served on the Tenants and for that reason, the Landlord's application is dismissed.

Conclusion

The Landlord's application is dismissed. 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: October 05, 2009.

Dispute Resolution Officer