

DECISION

Dispute Codes OPR MNR FF

Preliminary Issue

The Tenant appeared and advised that his surname is different than the name listed on the Landlord's application for dispute resolution and the 1 Month Notice to End Tenancy issued for Cause.

The Landlord argued that he issued the documents based on what the other tenants had told the Landlord.

Analysis

The documentary evidence supports that the Respondent's Surname as listed on the Landlord's application and the 1 Month Notice to End Tenancy is different than the Tenant's surname.

To find in favour of an application for an Order of Possession and a Monetary Claim, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. I have found the documents not to have been issued in accordance with the *Act*; therefore I dismiss the Landlord's claim.

As the Landlord has not been successful with his application, I find that he is not entitled to recover the cost of the filing fee from the Tenant.

Conclusion

The 1 Month Notice to End Tenancy for Cause, issued on December 18, 2009, is **HEREBY CANCELLED** and is of no force or effect.

The Landlord's application is **HEREBY DISMISSED**, without 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: January 07, 2010.

Dispute Resolution Officer