



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This hearing dealt with landlord's Application for Dispute Resolution for an order of possession and a monetary order for unpaid rent.

### Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to an Order of Possession for unpaid rent; to a monetary Order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to sections 38, 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

No documentary evidence was submitted by the landlord. The landlord testified that she had provided her tenant with a 1 Month Notice to End Tenancy on November 1, 2009 and that she served the notice of this hearing to the tenant 2 or 3 days after receiving it from the branch in December 2009, in person.

### Analysis

Section 46 of the *Act* allows the landlord to end a tenancy for unpaid rent by giving the tenant a 10 Day Notice to End Tenancy with an effective end dated not earlier than 10 days after the date the tenant receives the notice.

The notice provided to the tenant must be compliant with Section 52 of the *Act* that states the notice must be signed and dated by the landlord; give the address of the rental unit; state the effective date of the notice; state the grounds for ending the tenancy and when given by the landlord be in the approved form.

In the absence of any written confirmation of the notice provided to the tenant regarding any unpaid rent, I find the landlord has failed to show how the notice given to the tenant complied with Section 46 or Section 52 of the *Act*.

Conclusion

Based on my findings above, I dismiss the landlord's application with 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 20, 2010.

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Dispute Resolution Officer