

DECISION

Dispute Codes MT, CNR

Introduction

This matter dealt with an application by the Tenants for more time to apply to cancel a Notice to End Tenancy and to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated February 21, 2010.

At the beginning of the hearing the Landlord said that the Tenants were served in person on February 21, 2010 with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. The Tenants applied to cancel that Notice on February 24, 2010. Consequently, I find that the Tenants applied within the time limits required under s. 46 of the Act and their application for more time to apply is unnecessary.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

Background and Evidence

This tenancy started on December 24, 2009. There is no written tenancy agreement. The Landlord says rent is \$700.00 per month. The Tenants say rent is \$670.00 per month. In support of their position, the Tenants submitted a document entitled "Shelter Information" from the Ministry of Housing and Social Development which is dated December 23, 2009, indicates that rent is \$670.00 per month and is signed by the Landlord.

The Landlord claims that the Tenants did not pay rent for the period December 24 – 31, 2009 and paid only \$670.00 for January, February and March 2010. The Landlord did not provide a copy of the 10 Day Notice to End Tenancy as evidence at the hearing and could not recall the amount of rent alleged to be unpaid on the Notice.

Analysis

Section 52 of the Act says that in order to be enforceable, a Notice to End Tenancy must contain certain pieces of information and when it is given by a Landlord, it must also be in the form approved by the Residential Tenancy Branch. In the absence of a copy of the 10 Day Notice to End Tenancy served on the Tenants, I cannot conclude that it is a valid and enforceable Notice and as a result, the Tenants' application to cancel the Notice is granted.

Conclusion

The 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated February 21, 2010 is cancelled and the tenancy will continue.

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: April 13, 2010.

Dispute Resolution Officer