

## **DECISION**

Dispute Codes      CNR, MT

### Introduction

This matter dealt with an application by the Tenant 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 March 9, 2010.

### Issues(s) to be Decided

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

### Background and Evidence

This tenancy started on October 1, 2009. Rent is \$800.00 plus 40% of the utilities (gas, hydro and water) for the rental property. Rent is due in advance on the 1<sup>st</sup> day of each month. The Tenant said her 14 year old daughter was served with the 10 day Notice dated March 9, 2010 which the Landlord did not dispute. The Notice alleged that the Tenant had utility arrears of \$405.41 and that a demand for payment of that amount was made on March 1, 2010.

### Analysis

Section 88 of the Act sets out a number of ways in which a document (including a Notice to End Tenancy) must be served. Section 88(e) of the Act says that a document may be served "by leaving a copy at a person's residence with an adult who apparently resides with the person."

### Conclusion

I find that the Tenant was not properly served with the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated March 9, 2010. The Landlord may re-serve this Notice (or a new, updated Notice) on the Tenant in one of the ways required by s. 88 of the Act. 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: May 10, 2010.

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