

DECISION

Dispute Codes OPR, MNR, MNSD

Introduction

This matter dealt with an application by the landlord for an Order of Possession for unpaid rent, a Monetary Order for unpaid rent. The landlord also applied to keep all or part of the security deposit.

I have reviewed the documentation provided by the landlord for this application. As part of the application the landlord is required to provide a copy of the two page 10 Day Notice to End Tenancy Due to Unpaid Rent or Utilities. Page two of the notice provides information to the tenant about the reasons given for the Notice and the steps she can take to respond to the Notice or to file an application to dispute the Notice.

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In the documents before me the landlord has not provided page two of the notice to end tenancy. The tenant confirms that she only received page one of the 10 Day Notice. In order for a legal notice to be valid and enforceable it must be complete. As a result I find the landlord has provided no evidence to support his testimony that the tenant was served with both pages of the 10 Day Notice. Consequently the landlord's application is dismissed with leave to re-apply. The landlord is at liberty to serve a new 10 Day Notice to End Tenancy and reapply for an Order of possession.

As there is no evidence the tenant was aware she could dispute the 10 Day Notice or the amount of outstanding rent I am not willing to hear the landlords monetary claim at this time and give him leave to reapply for the remainder of his claim.

Conclusion

The landlords' application is dismissed 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: July 06, 2010.

Dispute Resolution Officer