



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 the Landlord's Application for Dispute Resolution, seeking to end the tenancy and to obtain an order of possession, for monetary orders for unpaid rent, to keep all or part of the security deposit, and to recover the filing fee for the claim.

An Agent for the Landlord appeared and provided affirmed testimony. The Agent testified he served the Tenant personally with the Application for Dispute Resolution and the Notice of this Hearing on July 6, 2010. Despite this the Tenant did not appear at the hearing.

Evidence and Background

There was no copy of the 10 day Notice to End tenancy for unpaid rent issued to the Tenant (the "Notice"), in the file at the time of the hearing. The Landlord's Agent testified he had sent the Notice into the Branch by facsimile on July 1, 2010.

I note the record indicates the Landlord did not file the Application for Dispute Resolution until July 5, 2010, and the Notice of Hearing was issued on July 6, 2010.

I granted the Agent leave to submit a copy of the Notice by facsimile following the hearing and I have now reviewed it.

The Agent testified he personally served the Tenant with the Notice on June 22, 2010.

However, the Notice is signed and dated June 14, 2010. There was no testimony regarding why the Notice was served later than the date it was signed.

The Notice also incorrectly states that the effective end date of the tenancy is June 14, 2010, the same day it was issued.

Analysis

Therefore, based on the foregoing and on a balance of probabilities, I dismiss the Application for Dispute Resolution of the Landlord.

I find there are significant inconsistencies between the testimony given by the Agent and the evidence, such as dates on the Notice, and the testimony that evidence was submitted to the Branch before an Application was filed.

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: August 26, 2010.

Dispute Resolution Officer