



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with the Tenants' Application for Dispute Resolution, seeking to cancel a 10 day Notice to End Tenancy for unpaid rent.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

Is the 10 day Notice to End Tenancy for unpaid rent valid or should it be cancelled?

Background and Evidence

The parties were involved in one prior dispute hearing held on October 14, 2010, in which the Tenants received a Decision where the Landlord was ordered to make certain repairs and the rent was reduced.

The Decision also required that the Landlord file an Application to have the rent reduction end and have the rent returned to the amount set out in the Decision, once the repairs were completed. The Landlord explained that while the repairs were complete no such Application had been made.

I also note the 10 day Notice to End Tenancy did not set out an effective date on the Notice.

Analysis

Based on the above, the evidence and testimony, and on a balance of probabilities, I find that the 10 day Notice to End Tenancy dated March 4, 2011, is not valid and **I order that it is cancelled. I allow the Application of the Tenants.**

The Notice is not valid as the Landlord has not received an order returning the rent to the amount set out in the Decision.

Furthermore, the Notice was not completed correctly as it failed to set out the effective date of the Notice.

Either one of these problems are fatal to the Notice.

The Notice is of no force or effect and this tenancy will continue until ended in accordance with 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 *Manufactured Home Park Tenancy Act*.

Dated: March 24, 2011.

Residential Tenancy Branch