



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD and FF

Introduction

This application was brought by the landlord on March 16, 2011 seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent served by posting on the tenant's door on March 6, 2011. The landlord also sought a Monetary Order for the unpaid rent and recovery of the filing fee for this proceeding, and authorization to retain the security deposit in set off against the balance owed.

During the hearing, the tenant gave testimony that she had been served only with the first page of the Notice to End Tenancy and not the second page which includes instructions for tenants receiving such notice. This was corroborated by the fact that the landlord submitted only the first page of the notice with the application.

In addition, the parties fervently contested whether rent had been paid but neither party submitted any documentary evidence except for a table of payments created by the tenant.

Therefore, due to incomplete service of the Notice to End Tenancy and for want of evidence, the application is dismissed. The landlord remains at liberty to serve further notice and submit a new application.

April 5, 2011