



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent and to recover the filing fee for this proceeding.

The Landlord said she served the Tenants with the Application and Notice of Hearing (the “hearing package”) by registered mail on September 28, 2011. Based on the evidence of the Landlord, I find that the Tenants were served with the Landlords’ hearing package as required by s. 89 of the Act and the hearing proceeded with both parties in attendance.

### Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?
2. Are there rent arrears and if so, how much?
3. Is the Landlord entitled to compensation for unpaid rent and if so how much?

### Background and Evidence

This tenancy started on April 16, 2011 as a 2 year fixed term tenancy. Rent is \$1,900.00 per month payable in advance of the 15<sup>st</sup> day of each month. The Tenants paid a security deposit of \$950.00 on April 18, 2011.

During the conference call it became apparent that the Landlord did not serve a valid Notice to End Tenancy to the Tenants and no Notice to End Tenancy was submitted into evidence. Consequently the Landlords did not meet their obligation under Section 44 of the Act by ending a tenancy with a valid Notice to End Tenancy. As there is no valid Notice to End Tenancy I dismiss the Landlords’ application with leave to reapply.



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## Conclusion

The Landlords' application is dismissed with the right 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*.

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Dispute Resolution Officer