



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPL, MNR, FF

Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession; a Monetary Order; and to recover the filing fee associated with this application.

The landlord participated in the hearing and provided affirmed testimony. He testified that he served the Notice of a Dispute Resolution Hearing to the tenant in person on December 22nd, 2011. The tenant did not participate and the hearing proceeded in the tenant's absence.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order, and if so for what amount?

Is the landlord entitled to recover the filing fee?

Background and Evidence

The rental unit consists of a basement suite. The tenancy started in April 2011 and the rent is \$650.00 per month.

In his documentary evidence the landlord provided a copy of the 10 Day Notice to End Tenancy that he served on the tenant.

Section 46(2) of the Act states that; a notice must comply with section 52 [*form and content of notice to end tenancy*]. Section 52 of the Act further states in part that In order to be effective, a notice to end tenancy must be dated by the landlord, give the address of the rental unit, and that it must state the effective date of the notice.

In examining the landlord's 10 Day Notice to End Tenancy, I find that the document did not include the date it was signed, the location of the unit, and the date by which the tenant must vacate. Therefore in that context I find that the tenant was not properly served in accordance with the Act and i find the notice of no effect.

Conclusion

The landlord's application is dismissed and the tenancy will continue. The landlord may issue the tenant with a new Notice to End Tenancy compliant with statute.

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: January 10, 2012.

Residential Tenancy Branch