



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail it was mailed on January 5, 2012 however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession based on the Notice to End Tenancy for non-payment of rent, a request for an order for that outstanding rent totalling \$1975.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that the tenant has outstanding rent as follows:

November 2011 rent outstanding	\$525.00
January 2012 rent outstanding	\$725.00
Total	\$1975.00

The applicant further testified that he served the tenant with a 10 day Notice to End Tenancy in person on December 16, 2011, a copy of which is in the hearing package.

Analysis

It is my finding that the landlord has shown that the tenant has outstanding rent totalling \$1975.00 and therefore I allow that portion of the landlords claim.

I also order recovery of the \$50.00 filing fee.

It is my finding however that the Notice to End Tenancy that the landlord served on the tenant is not in the form required under the Residential Tenancy Act and therefore is not a valid notice. The notice used by the landlord is an outdated notice that does not even have the proper sections of the Act required nor does it have all the information required to be served with the notice.

Therefore I will not be issuing an Order of Possession.

Conclusion

The request for an Order of Possession is dismissed.

I have issued a monetary order in the amount of \$2025.00.

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 17, 2012.

Residential Tenancy Branch