



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR

## **DECISIONS AND REASONS**

This hearing dealt with an Application for Dispute Resolution by the landlord seeking an order of possession pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice").

The landlord's agent appeared and gave preliminary information. The landlord is seeking an order of possession; however, the landlord did not provide documentary evidence to prove that she had issued the tenant a valid 10 Day Notice to End Tenancy for Unpaid Rent in accordance with Sections 46 and 52 of the *Residential Tenancy Act* (the "Act").

The purpose of serving documents under the *Act* is to notify the person being served of their breach and notification of their rights under the *Act* in response. The landlord is seeking to end the tenancy due to this breach and has the burden to prove the reason indicated on the Notice.

A Notice to End Tenancy can only be enforced if it complies with the requirements of section 52 of the Act. Without viewing a copy of the Notice to End Tenancy that the landlord served on the tenant, I cannot conclude that the Notice is effective and therefore enforceable. I also cannot confirm that the tenant received a copy of the Notice or date of the service of the Hearing Package.

I therefore find that the landlord had insufficient evidence to show the tenant was issued a valid 10 Day Notice to End Tenancy for Unpaid Rent and the Hearing Package in a timely manner consistent with the Residential Tenancy Branch Rules of Procedure.

I also could not determine that the tenant was obligated to pay monthly rent as the landlord failed to provide sufficient evidence of a tenancy agreement.

Conclusion

Due to the above, I hereby **DISMISS** the landlord's application, **with leave to reapply**.

As I have dismissed the landlord's application, I deny her request for an order of possession.

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: February 23, 2012.

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Residential Tenancy Branch