



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR MNDC OLC RP FF O

### Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy; as well as an order for monetary compensation; an order that the landlord comply with the Act, regulation or tenancy agreement; and an order for repairs. The tenant and two agents for the landlord participated in the teleconference hearing.

I determined that the issue of the notice to end tenancy took precedence, and only heard evidence on that issue. I will address the remainder of the tenant's application in the conclusion of my decision.

### Issue(s) to be Decided

Is the notice to end tenancy valid?

### Background and Evidence

Neither the tenant nor the landlord submitted a copy of the notice to end tenancy or any other documentary evidence. The landlord and the tenant agreed that on March 4, 2012 the landlord served the tenant a notice to end tenancy for unpaid rent, and the notice indicated that the tenant owed \$1497 in outstanding rent.

The landlord stated that in their opinion, "at minimum rent is now \$1,000." The amount of outstanding rent set out on the notice to end tenancy is based on the landlord's calculations of past months of unpaid rent after several adjustments and agreements were made altering the monthly rent. The tenant did not agree with the landlord's position regarding the monthly rent or the outstanding amount of unpaid rent.

Analysis

The notice to end tenancy is not valid. The landlord has the burden of proof to establish that a notice to end tenancy is valid; in particular, a notice to end tenancy for unpaid rent must indicate the proper amount of outstanding rent. In this case, the landlord failed to provide sufficient evidence of the monthly rent or the outstanding balance of unpaid rent.

Conclusion

The notice to end tenancy is cancelled, with the effect that the tenancy continues.

The tenant is entitled to recovery of the \$50 filing fee, and he may deduct this amount from his next month's rent.

The remainder of the tenant's application is dismissed with leave 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*.

Dated: March 27, 2012.

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Residential Tenancy Branch