



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC

### Introduction and Analysis

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order of possession pursuant to a 1 Month Notice to End Tenancy for Cause.

The parties appeared and the hearing began, with inquiries to the landlord concerning his evidence. The landlord stated that the tenant had been repeatedly late in paying rent and therefore the landlord was requesting to evict the tenant on this ground.

However, the landlord confirmed their evidence submitted, which shows that the tenant was served with two 10 Day Notices to End Tenancy for Unpaid Rent, not for 1 Month Notice to End Tenancy for Cause.

The landlord is seeking an order of possession due to alleged cause; however, the landlord did not serve the tenant a 1 *Month Notice to End Tenancy for Cause*, in accordance with section 47 and 52 of the *Residential Tenancy 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.

As the landlord confirmed that the tenant did not receive a Notice pursuant to section 47 of the Act, I therefore find no merit to their application.

### Conclusion

I hereby **dismiss** the landlord's application, without 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: May 16, 2012.

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Residential Tenancy Branch