



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR

### Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the Act). The landlord applied for an order of possession pursuant to a notice to end tenancy for unpaid rent.

### Preliminary Issue – Invalid Notice to End Tenancy

The Notice to End Tenancy for Unpaid Rent, dated April 10, 2012, states that the tenant failed to pay rent of \$1050 that was due on April 1, 2012. The tenancy agreement indicates that the monthly rent is \$950. In their application, the landlord indicated, “tenant has not paid April rent.” Neither the notice nor the application provided any breakdown of the amount of \$1050 as set out in the notice.

In a 10 Day Notice to End Tenancy for Unpaid Rent, a landlord may not claim any amounts greater than the rent owed, aside from utilities, which are dealt with separately. If the landlord claims an amount greater than the rent owed, the notice will be invalid.

In this case, the landlord has failed to provide evidence of the amount claimed on the notice, and therefore the notice is invalid.

### Conclusion

The landlord’s application is dismissed.

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 2, 2012.

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Residential Tenancy Branch