



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** CNR; FF

### **Introduction**

This hearing dealt with the Tenant's application cancel a *10 Day Notice to End Tenancy for Unpaid Rent or Utilities* (the Notice) and to recover the cost of the filing fee from the Landlord.

The Tenant gave affirmed testimony at the Hearing

The Tenant testified that he served the Landlord's agent G with the Notice of Hearing documents by handing the documents to G on April 25, 2012. Based on the affirmed testimony of the Tenant, I am satisfied that the Landlord was served with the Notice of Hearing documents in accordance with the provisions of Section 89(1)(b) of the Act.

### **Issue to be Decided**

Should the Notice be cancelled?

Is the Tenant entitled to recover the cost of the filing fee from the Landlord?

### **Background and Evidence**

The Tenant did not provide a copy of the Notice in evidence. He testified that the Notice says he owes \$1165.00 for January, February, March and April rent. The Tenant testified that he has received money from the Ministry and that he has paid \$735.00 of the rent that he owes. The Tenant testified that he still owes \$430.00, but that he will be paying it back as soon as he can.

### **Analysis**

The Tenant did not provide a copy of the Notice to End Tenancy that he seeks to cancel. Therefore, as I explained to the Tenant, I cannot uphold or cancel the Notice. Without a copy of the Notice, I cannot determine whether or not the Notice was issued in the approved form; that it was signed by the Landlord; that it provides the correct

address of the rental unit; or that it provides an effective date of the end of tenancy as required under Section 52 of the Act.

In addition, the Tenant has admitted that he still owes rent to the Landlord.

Therefore, the Tenant's application to cancel the Notice is dismissed.

The Tenant has not been successful in his application and there is no indication that he paid a filing fee. Therefore, his application to recover the cost of the filing fee is also dismissed.

### **Conclusion**

The Tenant'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 10, 2012.

---

Residential Tenancy Branch