



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, MNDC, FF

### Introduction

This hearing was convened by way of conference call in repose to the landlords application for an Order of Possession for unpaid rent and utilities; for a Monetary Order for unpaid rent or utilities; for an Order permitting the landlord to keep all or part of the tenants security deposit; for a Monetary Order for money owed or compensation for damage or loss under the *Residential Tenancy Act (Act)*, regulations or tenancy agreement; and to recover the filing fee from the tenant for the cost of this application.

I have reviewed the documentation provided by the landlord for this application. As part of the application the landlords are required to provide a copy of the two page 10 Day Notice to End Tenancy Due to Unpaid Rent or Utilities. Page two of the Notice provides information to the tenant about the reasons given for the Notice and the steps they can take to respond to the Notice.

In the documents before me the landlords have not provided page two of the Notice to End Tenancy. In order for a legal notice to be valid and enforceable it must be complete and the burden of proof falls to the landlords to show that both pages of this Notice were served to the tenant. In this case the landlords have not met the burden of proof and as a result I find that the landlord's application must be dismissed with leave to re-apply.

The landlord is at liberty to serve a new 10 Day Notice to End Tenancy or reapply or pursue their claim if the landlord can provide sufficient evidence of a legal enforceable 10 Day Notice having been served upon the tenant.

Conclusion

The landlord'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: August 16, 2012.

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Residential Tenancy Branch

