



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with the landlord's Application for dispute resolution under the Residential Tenancy Act (the "Act"), seeking to retain all or part of the tenant's security deposit, for a monetary order for unpaid rent, an order of possession due to unpaid rent and to recover the filing fee.

The landlord appeared and gave preliminary information as to the contents of their application.

Issue(s) to be Decided

Is the landlord entitled to a monetary order, authority to retain the tenant's security deposit and for recovery of the filing fee?

Has the landlord submitted sufficient evidence to support their application?

Background and Evidence

The landlord did not submit any documentary evidence and was unable to provide conclusive testimony that the tenants were served with the 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") or that a tenancy existed.

Analysis

A Notice to End Tenancy can only be enforced if it complies with the requirements of section 52 of the Act. Without a copy of the Notice to End Tenancy that the landlord served on the tenants, I cannot conclude that the Notice is effective and therefore enforceable.

I therefore find that the landlord had insufficient evidence to show the tenants were issued a valid 10 Day Notice to End Tenancy for Unpaid Rent.

Due to the landlord's insufficient evidence, I dismiss the landlord's application, with leave to reapply.

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: January 09, 2013.

