



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF, O

Introduction

There are applications filed by both parties. The Landlord is seeking an order of possession and a monetary order for unpaid rent, for money owed or compensation for damage or loss and the recovery of the filing fee. The Tenant has made an application for the Landlord to comply with the Act, regulation or tenancy agreement.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord states that the Tenant was personally served with the notice of hearing documents. I accept the undisputed testimony and find that the Tenant was personally served with the notice of hearing package.

At 2:41 pm, the Tenant's Application was dismissed without leave to reapply as she did not attend to put forth her Application. The Landlord states that he believes that the Tenant has abandoned the rental unit, but is unsure.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to an order of possession?

Background, Evidence and Analysis

The Landlord states that the Tenant was served with the 10 day notice to end tenancy for unpaid rent on January 3, 2013 by posting it to the rental unit door. The notice states that \$650.00 in rent was due on January 2, 2013. The Landlord states that the rent is due on the 1st of the month and changed the date to the 2nd to allow the Tenant an extra day. The bottom portion of the notice is blank. The Landlord states that he did not fill in the bottom portion with the rent unit address of the effective date of the notice. The Landlord also states that the notice was incorrectly filled out to indicate that the Tenant resides in the Basement unit of their residence at unit #4.

The Landlord seeks an order of possession and a monetary order for \$1,300.00 for unpaid rent for January and February 2012.

I accept the undisputed testimony of the Landlord and find that the Tenant was served with the 10 day notice to end tenancy issued for unpaid rent. However, the 10 day notice is flawed and the Landlord is pre-mature in his monetary claim for February rent.

The Landlord's Application for an order of possession is dismissed as I find that the notice was incomplete. As for the monetary order, I find that the Landlord has established a monetary claim for \$650.00 for the unpaid rent of January. As of the date of his notice the Landlord's claim for February rent is premature and is dismissed with leave to reapply. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$700.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Tenant's Application is dismissed without leave to reapply.

The Landlord's Application for an order of possession is dismissed.

The Landlord is granted a monetary order for \$700.00.

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 30, 2013

Residential Tenancy Branch

