



# 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 dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") for an order of possession for the rental unit due to unpaid rent, a monetary order for unpaid rent and money owed or compensation for damage or loss, for authority to retain the tenant's security deposit and to recover the filing fee.

The landlord appeared; the tenants did not appear.

The landlord gave evidence that she served each tenant with the Application for Dispute Resolution and Notice of Hearing by registered mail on January 18, 2013; however the landlord gave evidence of only one tracking number.

The hearing proceeded on a limited basis in the tenants' absence.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure; however, I refer to only the relevant evidence regarding the facts and issues in this decision.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession for the rental unit due to unpaid rent, a monetary order and to recover the filing fee?

Has the landlord submitted sufficient evidence to support her application for dispute resolution?

### Background and Evidence

The landlord is seeking an order of possession for the rental unit due to unpaid rent pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") issued in accordance with section 46 of the Act; however, the landlord did not provide a copy of

the Notice as required by the application for dispute resolution. The only documentary evidence provided was a copy of an Application for Tenancy.

### Analysis and Conclusion

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

I therefore find that the landlord submitted insufficient evidence to show the tenants were issued a valid, enforceable 10 Day Notice to End Tenancy for Unpaid Rent and I therefore dismiss her application, 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* and is being mailed to both the applicant and the respondent.

Dated: February 13, 2013

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Residential Tenancy Branch

