



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the Act). The landlord applied for an order of possession pursuant to a notice to end tenancy for unpaid rent.

Preliminary Issue – Invalid Notice to End Tenancy

The Notice to End Tenancy for Unpaid Rent, dated January 15, 2013, states that the tenant failed to pay rent of \$4,160 that was due on January 1, 2013. The landlord submitted a tenant ledger indicating that the tenant's current rent is \$1010 plus \$10 for gas and \$20 for parking, and the balance due includes gas, parking and late payment fees. The Notice does not provide any breakdown of the amount of \$4,160.

In a 10 Day Notice to End Tenancy for Unpaid Rent, a landlord may not claim any fees or amounts greater than the rent owed, aside from utilities, which are dealt with separately. If the landlord claims an amount greater than the rent owed, the notice will be invalid. In this case, the landlord claimed an amount greater than the rent owed, and therefore the notice is invalid.

Conclusion

The application for an order of possession pursuant to the notice 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: February 1, 2013

Residential Tenancy Branch

