



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNDC

Introduction

This is the Landlord's application for an Order of Possession and compensation for damage or loss under the Act, regulation or tenancy agreement.

The Landlord gave affirmed testimony at the Hearing.

Preliminary Matters

The Landlord's Application gives a different name for the male Tenant than the tenancy agreement and a different name again on the Notice to End Tenancy. I asked the Landlord about the discrepancies and he replied that he was not certain what the male Tenant's correct legal name was.

The Notice to End Tenancy for Unpaid Rent was issued on January 31, 2013 for \$1,600.00 outstanding rent and \$1,600.00 in unpaid utilities, both of which were due on January 30, 2013. The Notice indicates that the end of tenancy date is January 10, 2013. The Landlord testified that he served the Tenants with the Notice to End Tenancy by posting the document on the Tenants' door on January 10, 2013. The Landlord's application also indicates the date of service was January 10, 2013. When I questioned the Landlord, he stated "maybe I got it wrong". Then he stated that he "probably served" the Tenants with the Notice to End Tenancy on February 10, 2013, but he was "not sure now". The Landlord's application for Dispute Resolution was filed on February 13, 2013.

The Landlord stated that he served the Tenants with the Notice of Hearing documents on February 14, 2013, with a witness present. We waited 10 minutes for the Tenants to sign into the Hearing, but they did not sign in.

I explained to the Landlord that he had provided insufficient evidence with respect to what rent and utilities were due or whether or not the Tenants were served with the Notice to End Tenancy and therefore, I cancelled the Notice to End Tenancy and dismissed his Application.

The Landlord is at liberty to issue and serve another Notice to End Tenancy for Unpaid Rent. I recommended that the Landlord seek procedural advice from an Information Officer at the Residential Tenancy Branch before issuing another Notice to End Tenancy and filing another Application for Dispute Resolution.

Conclusion

The Notice to End Tenancy issued January 31, 2013, is cancelled. The Landlord's application 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: March 08, 2013

Residential Tenancy Branch

