



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL FF

Introduction

This hearing dealt with an application by the landlord for an order of possession pursuant to a notice to end tenancy. The landlord and the tenant participated in the teleconference hearing.

Preliminary Issue – Service of the Notice to End Tenancy

In the hearing, the landlord stated that on February 1, 2013, she personally served the tenant with a two-month notice to end tenancy for landlord's use, as well as a covering letter. Two days prior to the hearing, the landlord submitted a copy of the notice to end tenancy as well as the covering letter. The landlord had not previously submitted copies of any of these documents, and she was unable to provide further supporting evidence that she had served the notice to end tenancy on the tenant.

The tenant stated that the landlord only served him with a letter, not with the notice to end tenancy. On April 30, 2013 the tenant submitted a copy of the letter he stated he received from the landlord. The tenant pointed out in the hearing that the copy of the letter that he submitted in evidence is unsigned and slightly different in appearance than the copy of the letter that the landlord submitted.

I find that the landlord did not provide sufficient evidence to establish that she served the tenant with a proper notice to end tenancy. I therefore dismiss the landlord's application. It is open to the landlord to serve the tenant with a new notice to end tenancy.

As the landlord was unsuccessful in her application, she is not entitled to recovery of the \$50 filing fee for the cost of her application.

Conclusion

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: May 10, 2013

Residential Tenancy Branch