



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing was convened by way of conference call in response to the landlord's application for an Order of Possession for unpaid rent and utilities; for a Monetary Order for unpaid rent or utilities; and to recover the filing fee from the tenants for the cost of this application.

No hearing was held today as the landlord had provided a file number from a previous hearing and at that hearing the 10 Day Notice to End Tenancy dated January 31, 2013 was cancelled. The landlord was at liberty to serve the tenants' with a new 10 Day Notice to End Tenancy but failed to do so and has relied on the same 10 Day Notice, previously cancelled, for this application. However as that 10 Day Notice has been previously cancelled the 10 Day Notice no longer has any force or effect.

The landlord is at liberty to issue and serve another 10 Day Notice to End Tenancy for Unpaid Rent to the tenants and is then entitled to file a new application for Dispute Resolution if rent remains unpaid after five days.

Conclusion

The landlord's application is therefore dismissed with leave to reapply after a new 10 Day Notice to End Tenancy has been issued and served upon the tenants.

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 22, 2013

Residential Tenancy Branch

