



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Treaty Developments Limited  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR, FF

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

Only the Landlord’s agent appeared. In response to the question of evidence, which was noted to be non-existent on the file, the Agent stated that the agency was to have faxed information for this Hearing, including a copy of a 10 day notice to end tenancy for unpaid rent (the “Notice”), but could not say exactly when this Notice was faxed or what other information was to have been included. It was also noted that the application itself has the Tenant living at an address other than the dispute address. The Agent states that this is an error and that the agency was to have amended the application. It is noted that such amendment did not occur.

Section 52 of the Act provides that, in order to be effective, a notice to end tenancy must comply in form and content. Given this section of the Act, it would be necessary to have a copy of the Notice to determine its effectiveness and therefore to determine whether or not the Landlord is entitled to an Order of Possession. No evidence was filed to support the claim for monetary compensation as well. Given the inconsistency within the application and the lack of supporting evidence, I dismiss the 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*.

Dated: June 06, 2013

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Residential Tenancy Branch

