



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Nav Holdings Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction

This hearing was convened by way of conference call in response to the tenant's application to cancel a 10 Day Notice to End Tenancy for unpaid rent.

The tenant and landlord's agent attended the conference call hearing, gave sworn testimony.

Issue(s) to be Decided

Is the tenant entitled to have the 10 Day Notice to End Tenancy cancelled?

Background and Evidence

The tenant has provided the first page of a 10 Day Notice in evidence. The tenant testifies that this was the only page he received of this Notice to End Tenancy and the second page was not provided.

The landlord's agent testifies that the building manager served the tenant with a complete two page Notice to End Tenancy on July 16, 2013 by posting it in the tenant's mail slot. The landlord has not provided any documentary evidence to show that a complete notice was provided to the tenant on this date.

Analysis

I have reviewed the documentation provided by the tenant for this application. I have no evidence from the landlord to show that the tenant was served a complete two page Notice to End Tenancy. Page two of the notice provides information to the tenant about the reasons given for the Notice, it informs the tenant that they have five days to pay the rent or dispute the Notice.

In order for a legal notice to be valid and enforceable it must be complete and the burden of proof falls to the landlords to show that both pages of this Notice were served to the tenant. In this case the landlords have not met the burden of proof and as a result I find that the tenant's application is upheld.

Conclusion

The tenant's application is allowed. The 10 Day Notice to End Tenancy for unpaid rent dated July 16, 2013 is cancelled and the tenancy will continue.

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: August 28, 2013

Residential Tenancy Branch

