



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, FF

### Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent, for money owed or compensation for damage or loss and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend or submit any documentary evidence. The Landlord states that the Tenant was served with the notice of hearing package by Canada Post Registered Mail on September 16, 2013. The Landlord has provided copies of the Customer Receipt Tracking numbers as confirmation.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession?  
Is the Landlord entitled to a monetary order?

### Background and Evidence

The Landlord states that the Tenants were both served with 10 day notice to end tenancy for unpaid rent dated September 8, 2013. The Landlord has submitted originals of the notice and stated that the Tenants were served with copies. The notice states that \$1,230.00 was owed and \$700 in rent for October was due on September 1, 2013. The notice shows that the Landlord failed to complete the bottom half of the notice providing the Landlord's details and the "Notice" section. The notice is signed and dated by the Landlord on September 8, 2013.

### Analysis

I find upon review of the 10 day notice to end tenancy issued for unpaid rent that the Landlord has failed to properly serve a notice in the approved form.

Section 52 of the Residential Tenancy Act states,

Form and content of notice to end tenancy

**52 In order to be effective**, a notice to end a tenancy must be in writing and must

- (a) be signed and dated by the landlord or tenant giving the notice,
- (b) **give the address of the rental unit**,
- (c) **state the effective date of the notice**,
- (d) except for a notice under section 45 (1) or (2) [*tenant's notice*], state the grounds for ending the tenancy, and
- (e) **when given by a landlord, be in the approved form.**

I find that the Landlord has failed to properly serve a completed approved form with the effective date of the notice. The Landlord's application is dismissed.

### 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: October 24, 2013

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Residential Tenancy Branch

