



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, FF, O

This matter was scheduled for a conference call at 11:00 a.m. on this date. Both parties participated in the teleconference. The tenant has made an application seeking to have a 10 Day Notice of Unpaid Rent or Utilities set aside. Section 46 says a landlord may end a tenancy by giving notice to end the tenancy for unpaid rent or utilities. In the case before me neither party has supplied a copy of the Ten Day Notice to End Tenancy for Unpaid Rent or Utilities. I spent a large portion of the hearing explaining the crucial and vital nature of this document to both parties. The Notice is not a trivial piece of information. It is the foundation that a landlord relies on to assist in their application to end a tenancy. Neither party could agree as to when the Notice was issued or for the amount. The tenant is entitled to have full answer and defence of any the claim made against them as is required under the Natural Laws of Justice. As there is no Notice before me and the dates and substance of that notice is in dispute, I set aside any notice issued by the landlord to the tenant up until the date the tenant filed for dispute resolution; August 29, 2013. Any Notices issued after that date will need to be dealt with in a separate hearing.

The tenant has been successful in his application and is entitled to the recovery of the \$50.00 filing fee. The tenant is entitled to a one time deduction from his rent of \$50.00 from the November rent due.

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 09, 2013

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Residential Tenancy Branch

