



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MND, FF

### Introduction

This hearing was convened to deal with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order of possession for the rental unit due to unpaid rent, a monetary order for unpaid rent and alleged damage to the rental unit, and to recover the filing fee.

The landlord attended the telephone conference call hearing; the tenants did not attend.

The landlord stated that she served the tenants with her Application for Dispute Resolution and Notice of Hearing by attaching it to the tenant's door; however the landlord was unable to provide a specific date on which she attached the documents.

The hearing proceeded on a limited basis in the tenants' absence.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession for the rental unit due to unpaid rent, monetary compensation, and to recover the filing fee?

Has the landlord submitted sufficient evidence to support her application for dispute resolution?

### Background and Evidence

The landlord is seeking an order of possession for the rental unit on the basis of unpaid rent pursuant to an alleged 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") issued in accordance with section 46 of the Act; however, the landlord did not provide a copy of the Notice as required by the application for dispute resolution. The only documentary evidence provided was what appeared to be a series of confusing

text messages between the parties. It was not clear who provided this evidence as it shows that the landlord failed to provide a proper Notice to end the tenancy.

### Analysis and Conclusion

A Notice to End Tenancy can only be enforced if it complies with the requirements of section 52 of the Act. Without being able to review a copy of the Notice to End Tenancy that the landlord said she served on the tenants, I cannot conclude that the Notice is effective and therefore enforceable.

I therefore find that the landlord submitted insufficient evidence to show the tenants were issued a valid, enforceable 10 Day Notice to End Tenancy for Unpaid Rent and I therefore dismiss her 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* and is being mailed to both the applicant and the respondents.

Dated: December 03, 2013

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Residential Tenancy Branch

