



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NPR Limited Partnership
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the Act). The landlord applied for an order of possession and a monetary order for unpaid rent.

Preliminary Issue – Invalid Notice to End Tenancy

The Notice to End Tenancy for Unpaid Rent, dated January 3, 2014, indicates that the tenant failed to pay rent of \$300.75 that was due on January 1, 2014. The tenancy agreement submitted by the landlord in their application is not very legible, but it appears to indicate that the monthly rent is \$750. In their application, the landlord also submitted a tenant ledger which indicates that the total of \$300.75 outstanding included various fees, including late fees, cleaning charges and a “smart card” charge. The notice to end did not provide any breakdown of the claim for \$300.75.

In a 10 Day Notice to End Tenancy for Unpaid Rent, a landlord may not claim any fees or amounts greater than the rent owed, aside from utilities, which are dealt with separately. If the landlord claims an amount that is not strictly for rent owed, the notice will be invalid.

In this case, the landlord claimed an amount not strictly for rent owed, and therefore the notice is invalid.

Conclusion

The application for an order of possession pursuant to the notice is dismissed.

The application for a monetary order is dismissed 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: January 24, 2014

Residential Tenancy Branch

