



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **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 March 1, 2014, indicates that the tenant failed to pay rent of \$925 that was due on March 1, 2014. The Notice to End Tenancy and the Proof of Service of a 10 Day Notice to End Tenancy for Unpaid Rent both indicate that the tenant was personally served the 10 Day Notice to End Tenancy for Unpaid Rent on March 1, 2014. The tenancy agreement indicates that the monthly rent is due on the first day of each month.

When a landlord seeks to end a tenancy on the basis of unpaid rent, the landlord must serve the notice after the day that the rent is due. If the landlord serves the notice before or on the day that rent is due, the notice will be invalid.

In this case, the landlord served the notice on the tenant on the day rent was due, and therefore the notice is invalid.

### Conclusion

The application for an order of possession pursuant to the notice is dismissed. It is open to the landlord to serve the tenant with a new notice to end tenancy.

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: March 20, 2014

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Residential Tenancy Branch

