



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55; and
2. A Monetary Order for unpaid rent - Section 67.

I accept the Landlord’s evidence that the Tenant was served in person with the application for dispute resolution and notice of hearing on February 21, 2014 in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Notice effective?

Background and Evidence

The tenancy started on September 1, 2013. Rent of \$1,325.00 is payable monthly on the first day of each month. The Landlord states that the Tenant has not paid rent since November 2013 and that he served the Tenant in person with a 10 day notice to end tenancy for unpaid rent (the “Notice”). The Landlord cannot recall what day this Notice was issued or given to the Tenant. The Notice is unsigned and undated.

Analysis

Section 52 of the Act provides that 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.

Given the lack of the Landlord's signature and date of the Notice and considering that the Landlord has provided no evidence of the date of service of the Notice, I find that the Notice has no effect. I therefore dismiss the application with leave to reapply upon service of an effective Notice.

Conclusion

The application 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: April 03, 2014

Residential Tenancy Branch

