



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, OPL

Introduction

This hearing was convened to deal with the landlords' application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order of possession for the rental unit due to alleged cause and an order of possession due to another use of the property by the landlord.

The landlords' agent (hereafter "landlord") attended the telephone conference call hearing; the tenant did not attend.

The landlord could not provide evidence of a specific date as to when the tenant was served notice of this hearing.

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

Issue(s) to be Decided

Are the landlords entitled to an order of possession for the rental unit?

Have the landlords submitted sufficient evidence to support their application for dispute resolution?

Background and Evidence

The landlord is seeking an order of possession for the rental unit on the basis of alleged cause (a 1 Month Notice to End Tenancy for Cause) or due to the landlord's use of the property (a 2 Month Notice to End Tenancy for Landlord's Use of the Property; however, the landlord confirmed that she did not provide any documentary evidence for the hearing.

The landlord went on to state that the 2 Notices to end the tenancy were served on the tenant in November 2013, and that they have accepted rent from the tenant for every month since then, through April 2014. The landlord stated that they refused to accept the rent for May 2014, from the tenant.

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 Notices 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 tenant was issued a valid, enforceable Notice to End Tenancy and I therefore dismiss her application.

As the landlord has accepted rent every month since the Notices were allegedly delivered to the tenant, with the exception of May 2014, when they refused the rent, the dismissal of the landlords' application is without 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 applicants and the respondent.

Dated: May 27, 2014

Residential Tenancy Branch

