Dispute Resolution Services

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 April 24, 2014, indicates that the tenant failed to pay rent of $3475 that was due on February 1, 2014. The tenancy agreement indicates that the monthly rent is $1675. In their application, the landlord indicated that the tenant owed $125 for February, $1675 for March, $1675 for April and $800 for May. The notice did not provide any breakdown of the claim for $3475.

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 greater than the rent owed, the notice will be invalid.

In this case, the landlord's evidence regarding the amount of rent owed and by which date is contradictory and unclear. I therefore find that the notice is not valid.

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: May 30, 2014

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Residential Tenancy Branch