



# Dispute Resolution Services

Page: 1

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 May 2, 2014, indicates that the tenants failed to pay rent of \$2100 that was due on May 1, 2014. The tenancy agreement indicates that the monthly rent is \$700, and it is due on the fifth day of each month. The Notice does not provide any breakdown of the rent owed. The landlord did not provide any ledger to show what rent payments had been made, but in their application the landlord indicated that the tenants had failed to pay \$700 of rent for April 2014, and had paid no rent for May 2014.

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. When a landlord serves a Notice to End Tenancy for Unpaid Rent, they must serve the notice after the day that the rent is due, not prior to the due date.

In this case, the landlord claimed an amount greater than the rent owed on May 5, 2014, and therefore the notice is invalid.

Conclusion

The application for an order of possession pursuant to the notice dated May 2, 2014 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 20, 2014

---

Residential Tenancy Branch

