



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, MNR, FF

### **Introduction**

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; and to recover the cost of the filing fee from the Tenant.

The Landlord gave affirmed testimony at the Hearing.

### **Preliminary Matters: Service of documents and validity of Notice to End Tenancy**

#### **Service of documents:**

The Landlord testified that he mailed the Notice of Hearing documents, by registered mail, to the Tenant at the rental unit. The Landlord did not provide the date that he mailed the documents and did not have a copy of the receipt in order to provide the tracking numbers.

The Tenant did not sign into the teleconference, which was open for 15 minutes. I explained to the Landlord that he did not provide sufficient evidence to prove that the Tenant was duly served with the Notice of Hearing documents and therefore we could not proceed with his Application.

#### **Validity of the Notice to End Tenancy:**

The Notice to End Tenancy that was provided in evidence does not include an effective date for the end of the tenancy. I explained to the Landlord that without an effective date, the Notice does not comply with Section 52 of the Act and therefore it is not a valid notice to end the tenancy.

The Landlord testified that he was sure that the original Notice to End Tenancy that he provided the Tenant included an effective end of tenancy date. He stated that he filled out another Notice to End Tenancy when he filed his Application and provided that copy to the Residential Tenancy Branch.

Based on the Landlord's testimony, I find that the Landlord did not provide a true copy of the Notice to End Tenancy and I cannot determine if the original Notice to End Tenancy is a valid Notice.

**Conclusion**

The Landlord's application is dismissed. The Landlord is at liberty to issue another Notice to End Tenancy and is cautioned to provide a true copy of that Notice if he seeks to file another Application for an Order of Possession and a Monetary Order.

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: June 03, 2014

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Residential Tenancy Branch

