



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MND, MNR, MNSD, FF

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent, for compensation for damage to the unit, site or property, to recover the filing fee for this proceeding and to keep the Tenant's security deposit in partial payment of those amounts.

The Landlord said she served the Tenant with the Application and Notice of Hearing (the "hearing package") by registered mail on April 29, 2014. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

### Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?
2. Are there rent arrears and if so, how much?
3. Is the Landlord entitled to compensation for unpaid rent and if so how much?
4. Is there damage to the unit, site or property and if so how much?
5. Is the Landlord entitled to compensation for the damage and if so how much?
6. Is the Landlord entitled to keep the Tenant's security deposit?

At the start of the conference call it was discovered that the 10 Notice to End Tenancy for unpaid rent dated April 1, 2014 and serviced on the Tenant on April 1, 2014 by posting it on the Tenant's door does not have an effective vacancy date on the Notice.

Section 52 (c) of the Act says in order for a Notice to be effective it must be in writing and it must state the effective date of the Notice. As the 10 Day Notice to End Tenancy for unpaid rent serviced on the Tenant by the Landlord does not have an effective vacancy date the 10 Day Notice to End Tenancy for unpaid rent dated April 1, 2014 is an invalid or ineffective notice. Consequently as the Notice to End Tenancy is invalid I dismiss the Landlord's application with leave to reapply.

Conclusion

The Landlord's 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: June 17, 2014

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Residential Tenancy Branch

