



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession based on unpaid utilities, a Monetary Order for unpaid utilities and to recover the filing fee for the Application.

The Landlord, R.Y. and her son, C.Y. appeared at the hearing. Both tenants also appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. All in attendance provided affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

Preliminary Matters

The Landlord issued a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, on June 13, 2014 wherein she claimed \$697.49 in unpaid utilities (the "10 Day Notice"). The 10 Day Notice failed to identify the rental unit or the effective date of notice.

Section 52 of the Act provides that in order to be effective, a notice to end a tenancy must be in writing and must give the address of the rental unit and state the effective date of the notice,

Accordingly, I find that the 10 Day Notice to be invalid and dismiss the Landlord's application for an Order of Possession.

The Landlord failed to provide a copy of the Tenancy Agreement prior to the hearing. The parties disagreed as to whether this was a fixed term tenancy, or month to month tenancy. The parties also disagreed as to the dollar value for the utilities for which the Tenants were responsible. The Landlord failed to provide any receipts for these utilities, although she did provide proof of a demand for payment of same.

I find there is insufficient evidence to support the Landlord's claim for a Monetary Order.

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: August 29, 2014

Residential Tenancy Branch

