



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF

Introduction

This hearing dealt with an application by the tenant for orders setting aside a 10 Day Notice to End Tenancy for Non-Payment of Rent and reimbursement of the filing fee from the landlord. Both parties appeared and had an opportunity to be heard.

Issue(s) to be Decided

Is the 10 Day Notice to End Tenancy for Non-Payment of Rent valid?

Background and Evidence

The facts are undisputed. This one-year fixed term tenancy commenced October 15, 2013. The monthly rent of \$1400.00 is due on the first day of the month. The tenant paid a security deposit of \$700.00.

At the beginning of July the landlord issued a 10 Day Notice to End Tenancy for Non-Payment of Rent in the approved form. The notice was personally served on the tenant but was not dated or signed. The tenant filed this application within five days of being served with the notice.

The tenant admits that the arrears of rent as of July 1, 2014 were \$5600.00. The tenant also admits that no payment towards rent has been made since he was served with the notice.

Analysis

Section 52 of the *Residential Tenancy Act* states that in order to be effective a notice to end tenancy must be in writing and must be signed and dated by the landlord or tenant giving the notice. As this notice was neither dated or signed it is not valid.

Conclusion

The undated 10 Day Notice to End Tenancy for Non-Payment of Rent is set aside and is of no force or effect. The tenancy continues until ended in accordance with the legislation.

As the tenant was successful on his application he is entitled to reimbursement from the landlord of the \$50.00 fee he paid to file it. Pursuant to section 72(1) this amount may be deducted from the rent due to the landlord.

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: September 09, 2014

Residential Tenancy Branch

