



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing was convened by way of conference call in response to the landlord's application for an Order of Possession for unpaid rent or utilities; for a Monetary Order for unpaid rent or utilities; for an Order permitting the landlord to keep all or part of the tenants' security deposit; for a Monetary Order for money owed or compensation for damage or loss under the *Residential Tenancy Act (Act)*, regulations or tenancy agreement; and to recover the filing fee from the tenants for the cost of this application.

Service of the hearing documents, by the landlord to the tenants, was done in accordance with section 89 of the *Act*; served by registered mail on July 24, 2014. Canada Post tracking numbers were provided by the landlord's agent in verbal testimony. The tenants were deemed to be served the hearing documents on the fifth day after they were mailed as per section 90(a) of the *Act*.

The landlord's agent appeared, gave sworn testimony, was provided the opportunity to present evidence orally, in writing, and in documentary form. There was no appearance for the tenants, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

I have reviewed the documentation provided by the landlord for this application. As part of the application the landlord is required to provide a copy of the two page 10 Day Notice to End Tenancy Due to Unpaid Rent or Utilities. Page two of the Notice provides

information to the tenants about the reasons given for the Notice and the steps they can take to respond to the Notice.

In the documents before me the landlord has not provided page two of the Notice to End Tenancy for the Notice dated May 02, 2014 or page two of the other two 10 Day Notices provided in documentary evidence. In order for a legal Notice to be valid and enforceable it must be complete and the burden of proof falls to the landlord to show that both pages of this Notice were served to the tenants. I further find I have insufficient evidence from the landlord to show that the 10 Day Notice was served to the tenants by registered mail. In this case the landlord has not met the burden of proof and as a result I find that the landlord's application must be dismissed with leave to re-apply.

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: September 24, 2014

Residential Tenancy Branch

