



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION**

### **Dispute Codes:**

Landlord's application (filed June 1, 2015): OPC; FF; O

Tenant's applications (filed May 13, 2015 and June 5, 2015): CNR X 2; FF X 2

### **Introduction**

This Hearing was convened to consider cross applications. The Landlord seeks An Order of Possession for cause; "other" orders; and to recover the cost of the filing fee from the Tenant.

The Tenant seeks to cancel two notices to end tenancy for unpaid rent; and recovery of both of the filing fees from the Landlord.

The Landlord's agent and the Tenant gave affirmed testimony at the Hearing. It was determined that the parties served each other with their Notice of Hearing documents.

### **Preliminary Matter**

The Landlord's Application for Dispute Resolution indicates that he is seeking "other" relief; however, he did not provide sufficient details in his Application with respect to what other relief he is seeking. When a party seeks "other" relief, the Application for Dispute Resolution requires the Applicant to provide details in the "Details of Dispute Resolution" section. No details were provided, other than his request for an Order of Possession. Therefore this portion of the Landlord's application is dismissed.

### **Issues to be Decided**

- Are notices to end the tenancy valid notices?

### **Background and Evidence**

In evidence, the following documents were provided by the Landlord:

- The Landlord provided a copy of a "Notice of Lease/Rent Agreement" dated May 11, 2015;

- The Landlord provided copies of a “Parking Space Issue”, a “Second Notice of end of Lease Agreement / Move Out”, and a “Violation on Lease Agreement Addendum”, all dated June 10, 2015;

The Tenant provided a copy of a Notice to End Tenancy for Unpaid Rent, dated June 2, 2015 in evidence on his Application filed June 5, 2015.

### **Analysis**

The only Applications that I had in front of me at the Hearing were the Landlord's Application filed June 1, 2015, and the Tenant's Application filed May 13, 2015. After the Hearing had concluded, I discovered that due to an administrative error, the Tenant's second Application filed June 5, 2015, was not scheduled to be heard with the other two files. Therefore, I was unaware until June 26, 2015, of the Notice to End Tenancy for Unpaid Rent which was issued on June 2, 2015.

During the Hearing, I dealt with the Applications and documents that were available to me. Section 52 of the Act states that, in order for it to be effective, a notice to end tenancy must be in the approved form. I explained to the parties that none of the documents provided by the Landlord comply with Section 53 of the Act and therefore are not valid notices to end the tenancy.

The Tenant's Application filed May 13, 2015, was granted and his request for recovery of that filing fee was also granted.

The Landlord's Application was dismissed in its entirety, because none of the notices that he provided were valid notices.

I hereby Order that the Tenant's Application filed June 5, 2015, be convened at the earliest possible date. I heard none of the merits with respect to this particular Application.

### **Conclusion**

The Tenant's Application filed May 13, 2015, is granted. I hereby provide the Tenant with a Monetary Order in the amount of **\$50.00** for service upon the Landlord. The Tenant may choose to file the enclosed Monetary Order in the Provincial Court of British Columbia (Small Claims) for enforcement **or** deduct \$50.00 from future rent due to the Landlord.

The Landlord's Application is dismissed.

The Tenant's Application filed June 5, 2015, is adjourned to the date and time provided on the enclosed Notice of Reconvened Hearing. The Residential Tenancy Branch will provide both parties with the enclosed Notice. The Tenant is not required to serve 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: June 29, 2015

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Residential Tenancy Branch

