



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, CPC, CNC, CNR, MNDC, RPP, LRE

### Introduction

This hearing dealt with applications by both parties. The tenant applied for an order setting aside notices to end this tenancy, a monetary order and orders compelling the landlord to return his property and setting conditions on the landlord's right to enter the unit while the landlord applied for an order of possession. The landlord appeared at the conference call hearing while the tenant did not. As the landlord testified that she personally served her application for dispute resolution and notice of hearing on the tenant on September 3, I found that the tenant had notice of the hearing and of the claim made against him and the hearing proceeded in his absence.

The landlord testified that she had no knowledge of the tenant's claim against her as he had not served her with a copy of his application for dispute resolution. As the landlord had no prior notice of the claim against her, the tenant's claim is dismissed.

### Issue to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The landlord's undisputed evidence is that the tenancy began in February 2015. She testified that she served on the tenant several letters advising him that the tenancy would be ending for various reasons, but the tenant did not vacate the rental unit and has not paid rent for several months.

### Analysis

Section 52 of the Act provides that when a landlord wishes to end a tenancy, she must do so by serving on the tenant a notice in the approved form. The landlord did not use the approved form, but chose instead to give him letters in which she quoted select

sections of the Act. As the landlord has not given the tenant a notice which is effective to end the tenancy, I am unable to grant the landlord an order of possession and her claim is therefore dismissed.

Conclusion

The claims of both parties are dismissed.

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: October 23, 2015

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Residential Tenancy Branch

