



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order permitting retention of the security deposit in partial satisfaction of the claim. Although served with the landlord's Application for Dispute Resolution and Notice of Hearing by registered mail deemed delivered February 16, 2016, the tenants did not appear.

The landlord had not filed a copy of the 10 Day Notice to End Tenancy served on the tenants with her evidence. I gave the landlord leave to submit a copy of the notice after the hearing, which she ultimately did.

Section 52 of the *Residential Tenancy Act* specifies that in order to be effective a Notice to End Tenancy given by a landlord to a tenant must, among other things, be in the prescribed form. The notices served by the landlord on the tenants are not in the prescribed form. In fact, they are a form apparently adapted from a form applicable to the State of New Hampshire.

As the landlord did not serve a Notice to End Tenancy that complies with the legislation of British Columbia her application is dismissed.

The landlord may serve the tenants with a new Notice to End Tenancy, on that complies with the *Residential Tenancy Act* and which is available from the Residential Tenancy Branch website or from a Service BC Office.

If there are people living in the rental unit who are not the original tenants the landlord may call the Residential Tenancy Branch Information Line at 1-800-665-8779) for information about her remedies.

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: March 31, 2016

Residential Tenancy Branch