



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC, CNR, MNR, MNDC, OPR, MNR, FF

Introduction

This hearing was convened in response to an application by the Tenant and an application by the Landlord pursuant to the *Residential Tenancy Act* (the "Act").

The Tenant applied on January 4, 2017 for:

1. An Order cancelling two notices to end tenancy - Section 46 and 47;
2. More time to make an application to cancel a notice to end tenancy - Section 66;
3. A Monetary Order for cost of emergency repairs - Section 67; and
4. A Monetary Order for compensation - Section 67.

The Landlord applied on January 6, 2017 for:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent or utilities - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

The Tenant did not attend the hearing. As the Tenant did not attend the hearing to pursue its application I dismiss the Tenant's application. The Landlord attended and stated that the Landlord's application for dispute resolution was given to the Tenant in person and by registered mail on January 14, 2017. Based on this evidence I find that the Landlord served the Tenant as required under section 89 of the Act. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy started prior to the Landlord purchasing the unit on August 15, 2016. Rent of \$1,200.00 is payable on the first day of each month. No security deposit was collected by the Landlord. The Tenant failed to pay rent and on December 28, 2016 the Landlord served the Tenant with a 10 day notice to end tenancy for unpaid rent (the "Notice"). The Notice does not have any effective date stipulated.

Analysis

Section 55(1) provides that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, an order of possession must be granted to the landlord if, the notice to end tenancy complies in form and content and the tenant's application is dismissed or the landlord's notice is upheld. Section 52 of the Act provides that In order to be effective or in compliance, a notice to end a tenancy must be in writing and must, inter alia, state the effective date of the notice. Although the Tenant's application disputing the Notice has been dismissed as the Notice does not state the effective date I find that I may not issue an order of possession. I therefore dismiss the Landlord's application with leave to reapply upon service of an effective 10 day notice to end tenancy for unpaid rent.

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: February 06, 2017

Residential Tenancy Branch