



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession for unpaid rent pursuant to section 55 of the *Act*;

The tenant did not attend this hearing, which lasted approximately 10 minutes. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord could not recall when she posted the 10 Day Notice on the tenant's door or when the Application for Dispute Resolution was served on the tenant. No copy of the 10 Day Notice was provided to the hearing and no evidentiary package was submitted.

**52** In order to be effective, a notice to end tenancy must be in writing and must

- (a) be signed and dated by the landlord or tenant giving the notice,
- (b) give the address of the rental unit,
- (c) state the effective date of the notice,
- (d) state the grounds for ending the tenancy, and
- (e) when given by a landlord, be in the approved form.

The landlord testified that she issued a 10 Day Notice for repeated late payment of rent. This is not a ground covered by a 10 Day Notice and is instead a reason for ending a tenancy under a 1 Month Notice to End Tenancy.

When asked to clarify, the landlord stated that she issued the 10 Day Notice for late payment of November 2016 rent. She then continued by noting that she collected

November rent in December 2016, and would like an Order of Possession for non-payment of rent for January 2017.

I explained to her that because I did not have a 1 Month Notice to End Tenancy for repeated late payment of rent before me, and because the tenant had not been served with a 1 Month Notice, I could not consider her request for non-payment of rent in January 2017.

Conclusion

I dismiss the landlord's application 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 3, 2017

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Residential Tenancy Branch