



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, OPN

### Introduction

On January 12, 2017, the Landlord submitted an Application for Dispute Resolution for an order of possession and for a monetary order for unpaid rent or utilities.

The matter was set for a conference call hearing. The Landlord attended the teleconference hearing; however, the Tenant did not. The Landlord provided affirmed testimony. The Landlord testified that the Tenant was served the Notice of Hearing by Canada Post Registered Mail on January 13, 2017. The Landlord provided a copy of the Registered Mail receipt and tracking number as proof of service. I find that the Tenant has been duly served with the Notice of Hearing in accordance with section 89 and 90 of the Act.

The Landlord was provided the opportunity to present his evidence orally and in written and documentary form, and to make submissions at the hearing.

### Preliminary and Procedural Matters

The Landlord testified that he served the Tenant with a 10 Day Notice To End Tenancy For Unpaid Rent or Utilities on January 4, 2017. The Landlord provided a copy of the 10 Day Notice. The 10 Day Notice is not dated by the Landlord.

Section 52 of the Act states that in order to be effective, a notice to end tenancy must be in writing and must be signed and dated by the Landlord giving the Notice.

I find that the 10 Day Notice that the Landlord issued to the Tenant is not an effective Notice. The 10 Day Notice is set aside.

The Landlord also applied for an order of possession based on a notice to end tenancy that he received from the Tenant. The Landlord did not provide a copy of the Tenant's notice to end tenancy.

The Landlord was given an opportunity to fax a copy of the Tenant's notice during the hearing, but the Landlord could not locate the document.

As there are not any effective notices to end tenancy before me, the Landlord's request for an order of possession and a monetary order are dismissed.

The Landlord will need to issue the Tenant a new 10 Day Notice To End Tenancy, or provide a copy of the Tenant's notice to end tenancy, if he reapplies to the Residential Tenancy Branch seeking an order of possession based on those notices.

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 07, 2017

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Residential Tenancy Branch