



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This matter dealt with an application by the Landlord to end a tenancy and for an Order of Possession, a Monetary Order for unpaid rent and to recover the filing fee for this proceeding.

The Landlord said he served the Tenant with the Application and Notice of Hearing (the “hearing package”) by registered mail on October 4, 2018. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord’s hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant’s absence.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?
2. Are there rent arrears and if so, how much?
3. Is the Landlord entitled to compensation for unpaid rent and if so how much?

At the start of the conference call it was discovered that the 10 Day Notice to End Tenancy for Unpaid Rent dated September 12, 2018 and served to the Tenant on September 12, 2018 by posting it on the Tenant’s door, does not have an effective vacancy date on the Notice. As well the Landlord only submitted page one of the notice into evidence and the Landlord’s name and telephone number are not on the Notice in the area “From the Landlord”. .

Section 52 (c) of the Act says in order for a Notice to be effective it must be in writing and it must state the **effective date** of the Notice and both pages of the Notice must be served on the Tenant. As the 10 Day Notice to End Tenancy for Unpaid Rent dated September 12, 2018 does not have an effective vacancy date on it, the Notice is **invalid**. Consequently, as the Notice to End Tenancy is invalid, I dismiss the Landlord’s application with leave to reapply.

Further as the Landlord was unsuccessful in this matter, I order the Landlord to bear the cost of the filing fee of \$100.00 that the Landlord has already paid.

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: November 13, 2018

Residential Tenancy Branch