



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR

### Introduction

This hearing dealt with the landlord's application pursuant to section 55 of the *Residential Tenancy Act* (the *Act*) for an Order of Possession.

Both parties attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

As both parties were present service was confirmed. The tenant confirmed receipt of the landlord's application and evidence and that they have not submitted any materials.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

The parties agree that monthly rent for this tenancy is \$630.00 payable on the first of each month.

The landlord submits that they served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent on October 4, 2019 when they failed to pay the full rent for that month. The landlord submits that the tenants did not make any payment for the arrears. The tenant disputes that they were served with a Notice or that there is any rental arrear for this tenancy.

The only copy of a 10 Day Notice submitted into evidence is dated December 30, 2018. No copy of a 10 Day Notice for October 2019 was entered into evidence. The landlord testified that this application arises from the October 2019 10 Day Notice and gave no evidence regarding the arrears in December, 2018.

### Analysis

The landlord did not provide a copy of a 10 Day Notice for October 2019 into evidence. The tenant disputes that they were served with a 10 Day Notice in October 2019. In the absence of documentary evidence I am unable to determine that the landlord has issued a valid 10 Day Notice beyond the one submitted dated December 30, 2018. Consequently, I dismiss the landlord's present application.

### Conclusion

The landlord's application is dismissed with leave to reapply. This tenancy continues until ended in accordance with the *Act*.

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 22, 2019

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Residential Tenancy Branch