Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   OPR MNR

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the Act). The landlord applied for an order of possession and a monetary order for unpaid rent.

Preliminary Issue – Invalid Notice to End Tenancy

The Notice to End Tenancy for Unpaid Rent, dated July 21, 2013, states that the tenant failed to pay rent of $650 that was due on July 15, 2013. The tenancy agreement indicates that the monthly rent, due in advance on the first day of each month, is $650, and that the tenancy began on July 15, 2013.

In a 10 Day Notice to End Tenancy for Unpaid Rent, a landlord may not claim any fees or amounts greater than the rent owed, aside from utilities, which are dealt with separately. If the landlord claims an amount greater than the rent owed, the notice will be invalid.

In this case, the monthly rent, due on the first day of each month, is $650. The tenant would not have owed $650 for the entire month of July 2013, as the tenancy did not begin until July 15, 2013. The landlord claimed an amount greater than the rent owed, and therefore the notice is invalid.

Conclusion

The application for an order of possession pursuant to the notice is dismissed.

The application for a monetary order 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: August 12, 2013

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Residential Tenancy Branch