



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. A Monetary Order for compensation – Section 67; and
4. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Background and Evidence

The Landlord provided a copy of a 10 day notice to end tenancy (the “Notice”) that was served on the Tenant on December 2, 2013. The Notice is on a form that is several years old and no longer in use by the Residential Tenancy Branch. On the second page of the Notice the form indicates that the Tenant must, within 5 days, pay a greater amount than what is noted as unpaid rent in order to have the Notice cancelled automatically. The Landlord states that the greater amount includes a late fee. The Tenant states that he did not understand why there were two different amounts.

Analysis

Section 52 of the Act provides that in order to be effective a notice to end a tenancy must be in writing and when given by a landlord, must be in the approved form. As the form used by the Landlord is both dated and not in use and, as the form includes an amount payable within 5 days that is a greater amount than the rent owed I find that the Notice is void and of no effect. As a result, I dismiss the Landlord's application.

Conclusion

The Landlord's application is dismissed.

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: January 09, 2014

Residential Tenancy Branch

