Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Sanford Housing Society
and [tenant name suppressed to protect privacy]

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 Issues

Invalid Notice to End Tenancy

The Notice to End Tenancy for Unpaid Rent, dated June 5, 2014, indicates that the tenant failed to pay rent of $385 that was due on June 1, 2014. The landlord submitted evidence to establish that the tenant's portion of his monthly rent, after subsidy, is $375. In their application, the landlord indicated that the tenant had failed to pay rent for May, and the amount consists of the tenant rental contribution of $375 plus a monthly telephone charge of $10. The notice did not provide any breakdown of the claim for $385.

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 landlord claimed an amount greater than the rent owed, and therefore the notice is invalid.

Possible Reinstatement of Tenancy

Additionally, the landlord provided contradictory evidence regarding whether the tenant failed to pay rent for May or June 2014. If the tenant paid rent in full for June 2014, the landlord may have reinstated the tenancy.

Conclusion

The application for an order of possession pursuant to the notice dated June 5, 2014 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: June 26, 2014

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Residential Tenancy Branch