



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

OPR, MNR, MNSD, FF

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order due to unpaid rent.

Incomplete 10 Day Notice to End Tenancy

On a Direct request application the landlord is required to submit the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding for the tenant;
- A copy of a residential tenancy agreement which was signed by the parties.
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent, which includes the direct request explanation.
- Proof of service of the 10 day Notice to End Tenancy as either a registered mail receipt or written receipt signed by the tenant or witnessed by a third-party confirming the notice was served.



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The landlord submitted a copy of a Proof of Service form which provided that a Notice to End Tenancy was served by posting on the door on September the 11th 2009; however the copy of the Notice to End Tenancy that has been provided with the application only has page 1 of 2, and the Residential Tenancy Act requires that both pages be served, as a second page as a vital information for the tenants including the direct request explanation.

The purpose of serving documents under the *Act* is to notify the person being served of their breach and notification of their rights under the *Act* in response.

In the absence of evidence of proof of service of both pages of the Notice to End Tenancy I find that the landlord has failed to provide all the documents required for a Direct Request proceeding.

Conclusion

This 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: October 22, 2009.

Dispute Resolution Officer