

## **DECISION**

Dispute Codes      OPR, MNR

### 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.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on June 30, 2010 the landlord served the tenant with the Notice of Direct Request Proceeding by registered mail. Section 90 of the Residential Tenancy Act determines that a document is deemed to have been served on fifth day after it was sent.

Based on the written submissions of the landlord, I find that the tenant has been served with the Dispute Resolution Direct Request Proceeding documents.

### Preliminary Issue

I have reviewed the documentation provided by the landlord for this application. As part of the application the landlord is required to provide a copy of the two page 10 Day Notice to End Tenancy Due to Unpaid Rent. Page two of the notice provides information to the tenant about the landlord's right to seek an Order of Possession through the Direct Request Process if the tenant does not respond to the notice.

In the documents before me the landlord has not provided page two of the notice to end tenancy and as a result I find that the landlord's application must be dismissed without leave to re-apply as I cannot determine whether the tenant was served with a complete notice to end tenancy. In order for a legal notice to be valid and enforceable it must be

complete. I have not received a complete copy of the 10 Day Notice to End Tenancy Due to Unpaid Rent and as a result I cannot be satisfied that a valid notice was served on the tenant.

### Conclusion

This application is dismissed. The landlord is at liberty to serve a new notice to end tenancy.

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: July 06, 2010.

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Dispute Resolution Officer