



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes OPR, MNR

### Introduction

This matter proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the "Act"), and dealt with an Application for Dispute Resolution by the landlords for an Order of Possession and a monetary order for unpaid rent.

The landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on November 30, 2010, the landlords served one of the tenants with the Notice of Direct Request Proceeding via personal service.

Based on the written submissions of the landlords, I find that one of the tenants has been duly served with the Direct Request Proceeding documents.

### Issue(s) to be Decided

The issues to be decided are whether the landlords are entitled to an Order of Possession for unpaid rent and to a monetary Order for unpaid rent, pursuant to sections 46, 55 and 67 of the Act.

### Background and Evidence

The landlords submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding for the tenants;
- A copy of a residential tenancy agreement which was signed by the parties on September 15, 2010, indicating a monthly rent of \$2,500.00 due on the 15<sup>th</sup> day of the month; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on November 20, 2010 with a stated effective vacancy date of November 30, for \$2,166.67 in unpaid rent, indicating November 1, 2010 as the due date for the rent.

Analysis

Based on the documentary evidence supplied by the Landlords, I find that this Application must be dismissed.

The Landlords have insufficient evidence to prove that the due date of the rent, the 15<sup>th</sup> of the month as indicated in the Tenancy Agreement, has been varied to the 1<sup>st</sup> day of the month as indicated in the 10 day Notice to End Tenancy.

Therefore, I find the Notice is not valid and the Landlords must serve the Tenants with a correct 10 day Notice to End Tenancy and make another Application for Dispute Resolution.

The Landlords might also contact an Information Officer at the Branch if they require additional information on how to end a 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: December 06, 2010.

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Dispute Resolution Officer