Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

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.

In order to proceed through the Direct Request process, the landlord must show that the tenant was served with the two page, 10 day Notice to End Tenancy that provides the information about the landlords right to seek an Order of Possession through the direct request process if the tenant does not respond to the notice.

In this case the landlord has used an outdated Notice to End Tenancy that does not have the required information about the direct request process on the second page.

Therefore I am not willing to proceed with a hearing through the direct request process.

Further, in order for a Notice to End Tenancy to be enforceable it must be complete and in this case, since some of the required information is missing, this notice is incomplete and therefore unenforceable.

This application is therefore dismissed; however the landlord is at liberty to re-serve the tenants with a Notice to End Tenancy in the proper form.

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 14, 2011.

Residential Tenancy Branch