



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR

## DECISION AND REASONS

### Introduction and Preliminary Issue

This hearing 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 landlord for an Order of Possession and a Monetary Order.

The landlord submitted a copy of a 10 Day Notice for Unpaid Rent (the "Notice") and declared that the tenant was served this Notice via posting on the door on November 14, 2011. However, the landlord's signature does not appear on the 10 Day Notice.

Section 52 (a) of the Act states that in order to be effective, a Notice to End Tenancy **must** be signed by the landlord giving the notice. [Emphasis added]

Therefore the signature of the landlord on the Notice is a requirement, not an option.

### Conclusion

I find that the landlord has not met the requirements of the Act by their failure to prove that the tenant was served with a 10 Day Notice to End Tenancy for Unpaid Rent in a manner complying with section 52 of the Act. Without this proof, I find the Notice is not enforceable.

Based on the above I find that this application does not meet the requirements for the Direct Request process and I hereby **dismiss** the landlord's application **without 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: December 01, 2011.

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Residential Tenancy Branch