



Dispute Resolution Services

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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 *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 signed Proof of Service of the Notice of Direct Request Proceeding which declares that on April 26, 2012 the landlord served the tenant with the Notice of Direct Request Proceeding by personal delivery. Section 90 of the Act determines that the document is deemed to have been served the same day if delivered directly to the person or in this situation on April 26, 2012.

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

Issue(s) to be Decided

Is the landlord entitled to an Order of possession?

Is the landlord entitled to monetary compensation for unpaid rent?

Background and Evidence

The landlord submitted 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 on December 15, 2011, indicating a monthly rent of \$650.00 due on the 3rd day of each month; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on April 14, 2012. The 10 Day Notice to End Tenancy for Unpaid Rent does not have an effective vacancy date completed on the Notice and the Landlord only

submitted the first page of 2 pages of the 10 Day Notice to End Tenancy for Unpaid rent; therefore I find the 10 Day Notice to End Tenancy for Unpaid Rent is incomplete and consequently the Notice is invalid. The Landlord application is dismissed with leave to reapply.

Analysis

I have reviewed all documentary evidence and as the Landlord has not completed the Notice and the Landlord has not submitted both pages of the Notice; I find the 10 Day Notice to End Tenancy for Unpaid Rent dated April 14, 2012 is invalid and I dismiss the Landlord's application with leave to reapply.

Conclusion

The Landlord's 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*.

Residential Tenancy Branch