



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This non-participatory 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 for the rental unit due to unpaid rent and for a monetary order for unpaid rent.

Evidence and Analysis

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 15, 2012, the landlord served the tenant with the Notice of Direct Request Proceeding via registered mail. Section 90 of the Act states that the tenant will be deemed served on August 20, 2012.

Among other documents, the landlord submitted only page 2 of the 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”); however the landlord failed to submit a copy of the first page of the Notice. Instead the landlord provided a faxed photograph of a Notice which was apparently affixed to the front door to the rental unit.

The faxed copy of the photograph was blurry and unclear, to the extent that it could not be read. I therefore was not able to examine the document to ensure that the Notice met the requirements of the Act.

The direct request procedure is based upon written submissions only. Accordingly, written submissions must be sufficiently complete in order to succeed. One of the documents that must be submitted in order to qualify for the direct request procedure is a complete copy of the 10 Day Notice to End Tenancy for Unpaid Rent.

In this case, the landlord has not provided a clear copy of the page of the Notice which would demonstrate the Notice’s compliance with the Act.

Therefore, I find this application cannot proceed under the direct request process.

Conclusion

I hereby order that the 10 Day Notice to End Tenancy for Unpaid Rent which is the subject of this application is without force or effect.

I hereby dismiss the landlord's application, without leave to reapply.

The landlord is at liberty to issue another 10 Day Notice to End Tenancy for Unpaid Rent to the tenant.

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: August 16, 2012.

Residential Tenancy Branch