



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Oceanview Apartments
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR

Introduction and Analysis

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 landlord for an order of possession for unpaid rent.

The landlord submitted a signed proof of service of the notice of direct request proceeding which declares that on March 20, 2013 the landlord served the tenant with the notice of direct request proceeding via posting to the tenant’s door and also supplied a registered mail receipt with tracking number.

The 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”) dated January 17, 2013 submitted by the landlord was not signed.

Conclusion

Applications for direct request proceedings are made through the written submissions of the landlord. In the matter before me, the landlord failed to sign the 10 Day Notice issued to the tenant.

Section 52 of the *Act* requires that for a Notice to be effective, it must be signed. Given the above, **I cancel the 10 Day Notice as it is invalid**, as it was not signed by the landlord or their agent. Therefore, **I dismiss** the landlord’s application for an order of possession based on the 10 Day Notice being cancelled.

The landlord is at liberty to issue a new 10 Day Notice to End Tenancy.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: March 25, 2013

Residential Tenancy Branch

