



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR MNR

### Introduction

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 and a monetary order for unpaid rent.

In addition to other documentary evidence, the landlord submitted a copy of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”) dated May 4, 2013 and a Proof of Service document indicating that the 10 Day Notice was served a day earlier on May 3, 2013.

### Preliminary Issue, Analysis and Conclusion

The Direct Request process is a mechanism that allows the landlord to apply for an expedited decision, with that the landlord must follow and submit documentation exactly as the *Act* prescribes; there can be no omissions or deficiencies with items being left open to interpretation or inference.

In this case, the landlord has included details which are contradictory. The 10 Day Notice was dated on May 4, 2013 so it could not have been served the day before on May 3, 2013 as alleged in the documentary evidence. Therefore, **I find** the 10 Day Notice to be **invalid** due to the contradictory evidence submitted.

Under these circumstances, **I dismiss** the landlord's application **with leave to reapply**. The landlord must serve a new 10 Day Notice before applying again for dispute resolution.

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: May 22, 2013

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Residential Tenancy Branch

