



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BROWN BROS. AGENCIES LIMITED
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This matter was conducted by way of a Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act* in response to an application made by the landlord for an Order of Possession and a monetary order for unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request which declares that on June 19, 2013 the landlord served the tenant with the Notice of Direct Request by registered mail. Based on the written submissions of the landlord, I find that the tenant has been served with the Notice of Direct Request requesting an Order of Possession and a monetary order.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession for unpaid rent?
Has the landlord established a monetary claim against the tenant for unpaid rent?

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of a residential tenancy agreement signed by the landlord and tenant on April 19, 2012 for a tenancy commencing on May 1, 2012 for the monthly rent of \$895.00 payable on the first day of each month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities which was served to the tenant on June 5, 2013 with an effective vacancy date of June 18, 2013 due to \$895.00 in unpaid rent that was due on June 1, 2013 (both pages of the 2-page form have been provided). However, the notice is not dated;
- A copy of the Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities which states that the tenant was served with the notice on June 5, 2013, by posting it to the door of the rental unit with a witness; and

- The Landlord's Application for Dispute Resolution which was made on June 18, 2013 claiming \$895.00 of outstanding rent for the month of June, 2013.

Analysis

I have reviewed all documentary evidence and whilst the landlord has submitted all of the required documents for a Direct Request Proceeding, I find that I am unable to issue the landlord with an Order of Possession and a monetary order for the following reason:

Section 52(a) of the *Act* specifically states that in order to be effective, a notice to end tenancy **must** be signed **and dated** by the landlord giving the notice. In this case, the 10 Day Notice to End Tenancy does not state the date and therefore, the notice is not effective and I am unable to make a finding in this matter. However, I am providing the landlord leave to re-apply.

Conclusion

For the reasons set out above, the landlord's application is hereby 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*.

Dated: June 26, 2013

Residential Tenancy Branch

