



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 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 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”) which was missing the date the 10 Day Notice was served.

Preliminary Issue

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 matter, the 10 Day Notice was not completed in full by the landlord as it was missing the date it was issued, which is required pursuant to section 52 of the *Act*. As the Notice was not completed correctly by the landlord, **I find** the Notice is invalid. Therefore, **I cancel** the 10 Day Notice.

I dismiss the landlord’s application **with leave to reapply**. The landlord should not apply for a direct request proceeding unless all documents are provided in full. Therefore, the landlord may wish to submit a new application however will require a **new 10 Day Notice** that is dated in accordance with section 52 of the *Act*.

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: June 24, 2013

Residential Tenancy Branch