



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

On a Direct request application the landlord is required to submit the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding for each tenant;
- A copy of a residential tenancy agreement which was signed by the parties.
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent, which includes the direct request explanation.
- Proof of service of the 10 day Notice to End Tenancy as either a registered mail receipt or written receipt signed by the tenant or witnessed by a third-party confirming the notice was served.

On this application the landlord has failed to provide proper proof of service of the 10 day Notice to End Tenancy. The proof of service of the 10 day Notice to End Tenancy provided by the applicant states that the 10 day notice was served on August 1, 2013, however the application for dispute resolution states that the 10 day notice was served on August 6, 2013.

Further, if the notice was actually served on August 1, 2013 it would not be a valid notice as rent is due to be paid on the first of the month and therefore would not yet be overdue.

The applicants have also only provided proof of service of the notice of direct request for one of the tenants and not both.

In light of the above discrepancies I am not willing to proceed with this matter through the direct request proceeding.

Conclusion

This application is 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: August 26, 2013

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Residential Tenancy Branch

