



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Middlegate Developments Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession due to unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 25, 2013 the landlord served the tenant with the Notice of Direct Request Proceeding by hand.

Based on the written submissions of the landlord, I find that the tenant has been served with the Dispute Resolution Direct Request Proceeding documents.

Preliminary Issues

I have reviewed the documentation provided by the landlord for this application. As part of the application the landlord is required to provide a copy of the two page 10 Day Notice to End Tenancy Due to Unpaid Rent or Utilities. Page two of the Notice provides information to the tenant about the landlord's right to seek an Order of Possession through the Direct Request Process if the tenant does not respond to the notice.

In the documents before me the landlord has not provided page two of the Notice to End Tenancy. In order for a legal notice to be valid and enforceable it must be complete. As I have not received a complete copy of the 10 Day Notice to End Tenancy

Due to Unpaid Rent or Utilities I cannot determine whether the tenant was served with the complete Notice and as a result I cannot be satisfied that a valid notice was served on the tenant. Consequently, this application is dismissed without leave to reapply. The landlord is at liberty to serve a new Notice to End Tenancy on the tenant.

Conclusion

Consequently, this application is dismissed without leave to reapply. The landlord is at liberty to serve a new Notice to End Tenancy on the tenant.

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: October 03, 2013

Residential Tenancy Branch