



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding MAINSTREET EQUITY CORP.  
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 July 27, 2013 the landlord served the tenant with the Notice of Direct Request by registered mail. Section 90 of the *Act* provides that a document is deemed to have been served five days after such mailing. Based on the written submissions of the landlord, I find that the tenant has been served with the Notice of Direct Request proceeding 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 June 21, 2008 for a tenancy commencing on June 21, 2008 for the monthly rent of \$750.00 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 issued on July 6, 2013 with an effective vacancy date of July 26, 2013 due to \$750.00 in unpaid rent that was due on July 1, 2013 (both pages of the 2-page form have been provided). However, the notice does not state the address of the rental unit but only provides the city name and the name of the province;

- 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 July 6, 2013, by posting it to the door of the rental unit with a witness; and
- The Landlords' Application for Dispute Resolution which was made on July 24, 2013 claiming \$750.00 in unpaid rent for July, 2013.

### Analysis

I have reviewed all the documentary evidence and whilst the landlord has submitted 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(b) of the *Act* specifically states that in order to be effective, a notice to end tenancy **must** give the **address of the rental unit**. In this case, I find that the notice to end tenancy only provides the name of the city and province but does not give the remaining details of the address and therefore, I am unable to make a finding in favour of the landlord respecting an order of possession and a monetary order.

### 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: August 02, 2013

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Residential Tenancy Branch

