



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR

Introduction and Analysis

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.

The landlord submitted two different 10 Day Notices in evidence, neither of which support the \$2,800.00 being claimed by the landlord for unpaid rent. In addition, the 10 Day Notices submitted in evidence are from 2007.

Conclusion

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 the matter before me, **I find** the 10 Day Notice to End Tenancy is invalid as the landlord has included amounts owing which are different than the landlord’s monetary claim as submitted, and the 10 Day Notices issued are too old and not in the approved form pursuant to section 52 of the *Act*. The *Act* requires that notices issued by the landlord to be in the approved form due to the fact that the approved forms contain important information for tenants in relation to their rights and obligations under the *Act*, including but not limited to how the tenant can apply to dispute the notice.

Given the above, **I dismiss** the landlord’s application for an order of possession. The landlord is at liberty to issue a new 10 Day Notice in the approved form which can be found on the Residential Tenancy Branch website at www.rto.gov.bc.ca.

I dismiss the landlord's monetary claim **with leave to reapply**.

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: September 20, 2013

Residential Tenancy Branch

