Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Crossroads Enterprises Limited
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes   OPR, MNR

Introduction

This non-participatory matter was conducted by way of a 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 the rental unit due to unpaid rent and for 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 "Notice"), which listed an amount both of unpaid rent and a security deposit, combined, owed by tenant.

Preliminary Issue

The direct request procedure is based upon written submissions only and is an expedited process. Accordingly, written submissions must be accurately completed in order to succeed. One of the documents that must be submitted in order to qualify for the direct request procedure is a Notice containing an amount for unpaid rent only.

In a 10 Day Notice to End Tenancy for Unpaid Rent issued pursuant to section 46 of the Act, a landlord may not claim any fees or amounts greater than the rent owed, aside from utilities, which are dealt with separately. If the landlord claims an amount greater than the rent owed, the notice will be invalid. In this case, the landlord claimed an amount greater than the rent owed as the landlord included alleged amounts owed for a security deposit.

I therefore find the landlord's Notice to be deficient as required by the Act and I therefore I dismiss the landlord's application 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* and is being mailed to both the applicant and the respondent.

Dated: October 15, 2013

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Residential Tenancy Branch