



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Introduction**

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 landlords for an order of possession.

The landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on October 17, 2013, the landlords served the tenant with the Notice of Direct Request Proceeding via posting to the door of the rental unit.

Under section 90 of the Act, a document served in this matter is deemed served three days later. I find the tenant has been duly served with the notice of direct request.

### **Preliminary Issue**

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 this case, the landlord has filed as evidence a photograph of a 10 Day Notice to End Tenancy for Unpaid Rent which appears posted to the door. However, the document is not readable and I am unable to determine, when and if the document was dated. Therefore, I am unable to determine that the notice to end tenancy complies with section 52 of the Act.

As a result, 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*.

Dated: October 21, 2013

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Residential Tenancy Branch

