



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction and Preliminary Matter

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 copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”), which did not list an effective date of the Notice.

### Analysis and Conclusion

The direct request procedure is based upon written submissions only. Accordingly, written submissions must be sufficiently complete in order to succeed. One of the documents that must be submitted in order to qualify for the direct request procedure is a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities complying with section 52 of the Act, which among other things, requires that the Notice must state the effective date.

I therefore find the landlord's 10 Day Notice to be deficient as required by the Act, and therefore invalid, and unenforceable.

I therefore I dismiss the landlord's application with leave to reapply.

The landlord is at liberty to issue another 10 Day Notice to the tenants.

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 respondents.

Dated: November 21, 2013

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Residential Tenancy Branch

