



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

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 landlord for an order of possession for unpaid rent and a monetary order for unpaid rent.

In addition to other documentary evidence, the landlord submitted a proof of service document related to the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities that is dated on January 20, 2014, although the 10 Day Notice is dated January 28, 2014.

Preliminary Issue, Analysis and 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 this case, the landlord submitted a proof of service document related to the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities that is dated on January 20, 2014, although the 10 Day Notice is dated January 28, 2014. In addition, the 10 Day Notice to End Tenancy states that the tenant was served personally however the proof of service states the notice was posted on the tenant's door. The landlords' application is **not** appropriate for a direct request proceeding as submitted. Under these circumstances, **I dismiss** the landlord's application **with leave to reapply**. Given the above, the landlord will need to re-serve the 10 Day Notice and provide a new proof of service document for the 10 Day Notice, as the 10 Day Notice cannot be served before the date it is signed and must be in the same manner on both documents.

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: March 05, 2014

Residential Tenancy Branch

