



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BENCHMARK PROPERTIES LTD.
and [tenant name suppressed to protect privacy]

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"), via the documentary submissions only of the landlord, and dealt with an application for dispute resolution by the landlord for an order of possession for the rental unit, pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice").

In addition to other documentary evidence, the landlord submitted a copy of the Notice, which stated the tenant had not paid monthly rent of \$725 due on May 31, 2014, and a copy of the parties' tenancy agreement which stated that monthly rent was due on or before the 1st calendar day of each month

Analysis and Conclusion

The direct request procedure is based upon written submissions only. Accordingly, written submissions must be sufficiently correct and must comply with the requirements of the Act in order to succeed. There can be no deficiencies with the written submissions.

Section 46 of the Act allows a landlord to give notice to a tenant to end a tenancy if rent is unpaid on any day after the day it is due.

According to the documents submitted by the landlord, the tenant's monthly rent was not past due on May 31, 2014, the date the landlord listed as the monthly rent due date, as her monthly rent was not due until June 1, 2014, according to the tenancy agreement.

As described above, I therefore find the date listed on the landlord's Notice that rent for June was due on May 31, 2014, was invalid.

I therefore find the landlord's 10 Day Notice to be invalid due to an incorrect monthly rent due date and therefore deficient as required by the Act.

I therefore find the landlord's application cannot succeed under the direct request process and 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: June 16, 2014

Residential Tenancy Branch

