



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VENTURA BUILDING SYSTEMS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This matter was conducted by way of a Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act* (the “Act”) in response to an Application for Dispute Resolution (the “Application”) made by the Landlord for an Order of Possession and a Monetary Order for unpaid rent.

Analysis & Conclusion

The Direct Request process is a mechanism that allows the Landlord to apply for an expedited decision without a participatory hearing. As a result, the Landlord must follow and submit documentation **exactly** as the Act prescribes and there can be no omissions or deficiencies within the written submissions that are left open to interpretation or inference.

I have reviewed the written evidence provided by the Landlord for this Application. As part of the Application the Landlord is required to provide both pages of the two page 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”). The Landlord provided only the first page of three separate Notices served to the Tenant.

Fact Sheet 130 related to the Direct Request process explains that a Notice must include the Direct Request explanation which is detailed on page two of the Notice and forms part of the Notice that is required to be served to the Tenant. The second page of the Notice provides information to the Tenant about the Landlord’s right to seek an Order of Possession through the Direct Request process if the Tenant does not respond to the Notice.

As I have not received a complete Notice relating to the Landlord’s Application, I have no discretion and dismiss the Landlord’s Application. However, the Landlord is at liberty to re-apply if the Tenant was served both pages of the Notice and then re-submit the

required documentation. Or, the Landlord may issue a new Notice and pursue an Application through the Direct Request process if applicable.

In addition, I also caution the Landlord that the spelling of the second Tenant's last name also differs throughout the documentation provided with this Application; this discrepancy should be clarified on a potential new Application.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: July 11, 2014

Residential Tenancy Branch

