



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

This matter proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Residential Tenancy Act (the “Act”), and deals with an Application for Dispute Resolution by the Landlord for:

1. An Order of Possession – Section 55; and
2. A Monetary Order for unpaid rent – Section 67.

The Landlord submitted a 10 day notice to end tenancy for unpaid rent (the “Notice”), that although signed, did not set out the date of issuance of the Notice. No proof of service of this Notice was provided.

Section 55 of the Act provides that a landlord may request an order of possession of a rental unit by making an application for dispute resolution where a notice to end the tenancy has been given by the landlord. Section 52 of the Act provides that in order to be effective a notice to end tenancy must be signed and dated. Based on the Landlord's evidence of an undated Notice, I find that the Notice is not effective. As the Notice is not effective, there is no basis upon which to provide an order of possession. I therefore dismiss the application.

I note that in reviewing this application, the Landlord has provided two signed proofs of service that on August 18, 2014 each of the Tenants were personally given Notices of Direct Request Proceedings. No supporting documents are indicated as being served with these Notices. Supporting documents must be provided under the direct request proceeding. The Landlord also submitted another proof of service that on August 2,

2014 one of the Tenants was personally given the Notice of Direct Request Proceeding along with supporting documents. These submissions on service are in conflict. While the proof of service documents may contain inadvertent omissions or may have been completed in error, given the ex parte nature of the direct request proceedings I would encourage the Landlord to take greater care in meeting the requirements for these proceedings.

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: August 28, 2014

Residential Tenancy Branch

