



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR

### Introduction

This matter was conducted in response to a Landlord's Application for Direct Request (the "Application") for an Order of Possession and a Monetary Order for unpaid rent, pursuant to Section 55(4) of the *Residential Tenancy Act* (the "Act").

### Analysis

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. However, in this matter there exists a deficiency in the written submissions that does not allow me to proceed with the Landlord's Application.

The Landlord provided a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice") which is dated November 2, 2014. However, the Landlord has failed to fully complete the Notice; there is no date the Tenant is required to vacate the rental suite and no address for the rental unit to which the Notice relates to.

Sections 52 (b) and (c) of the Act specifically states that in order to be effective, a notice to end tenancy **must** state the **effective date** of the notice and give the **address** of the rental unit. Therefore, as the Notice failed to indicate this required information, the Notice is not effective.

Page two of the Application provides the Landlord with essential information which a Landlord is required to read and consider **before** submitting the Application. One of these requirements for the Direct Request process is that all documents submitted should be completed in accordance with Section 52 of the Act.

The Act does allow an Arbitrator to amend the Notice if the Arbitrator is satisfied that the information omitted ought to have been known. Generally, this may be determined

through a participatory hearing which this is not. In addition, the Landlord has not provided sufficient information that the Tenant was aware of a date that the rental suite was to be vacated and that the Notice related to the rental unit documented on the Landlord's Application.

As a result, I find that the Notice is not effective and therefore, I am unable to progress the Landlord's Application through the Direct Request Proceedings.

### Conclusion

For the reasons set out above, I **dismiss** the Landlord's Application.

The Landlord is at liberty to issue a new valid Notice and/or submit a new Application through the Direct Request process or through the conventional dispute resolution process which includes a participatory hearing if the above discrepancies can be explained.

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: November 19, 2014

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Residential Tenancy Branch

