



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

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 and a monetary order for unpaid rent, based on a 10 day Notice to End Tenancy for unpaid rent.

Background and Evidence

Among other documents, the landlord submitted the following evidentiary material:

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on December 8, 2014; however, the Notice **did not** indicate an effective vacancy date.

Analysis

Under section 52 of the Act, the Notice to End Tenancy must include the effective date of the Notice, indicating the end of the tenancy and the date the tenants must move out.

While an Arbitrator *may* amend a Notice to End Tenancy under section 68 it is more appropriate to do during the course of a participatory hearing where both parties are present and testimony is heard regarding the Notice.

Under the Direct Request process the Arbitrator only has the documents as submitted by the Landlord, and therefore, pursuant to sections 52 and 68, I find I must set aside the Notice as it does not comply with the Act.

The Landlord is at liberty to issue a new Notice to End Tenancy in the approved form and may apply to enforce that Notice.

Conclusion

In this case the landlord did not complete the Notice in accordance with section 52 of the Act and omitted the effective date of the Notice, and therefore, I find it is invalid.

As the Notice to End Tenancy is invalid, the Application of the landlord must be dismissed. The landlord may serve the tenants with a new and properly completed Notice to End Tenancy and file a new Application.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: December 24, 2014

Residential Tenancy Branch

