



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding JABS CONSTRUCTION
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 served on the tenant, which did not list an effective date, or the date upon which the tenant must vacate or move out of the rental unit.

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 52(c) of the Act states that in order to be effective, the notice to end the tenancy must contain an effective date and in this case, the landlord's Notice did not. Due to this, I therefore find the landlord's 10 Day Notice to be invalid and therefore unenforceable.

I find the landlord's application cannot succeed under the direct request process and I dismiss the landlord's application with leave to reapply with a valid Notice.

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: January 8, 2015

Residential Tenancy Branch

