



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NPR Limited Partnership
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPR & MNR

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order due to unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on December 20, 2013 the landlord served the tenants with the Notice of Direct Request Proceeding which was posted to the tenants door. Section 90 of the Residential Tenancy Act determines that a document is deemed to have been served on the third day after was posted. However a landlord must not serve a tenant by posting these documents to the door if the landlord is applying for a Monetary Order.

Furthermore I have reviewed the documentation provided by the landlord for this application. As part of the application the landlord is required to provide a copy of the two page 10 Day Notice to End Tenancy Due to Unpaid Rent or Utilities. Page two of the Notice provides information to the tenants about the landlord's right to seek an Order of Possession through the Direct Request Process if the tenants do not respond to the notice.

In the documents before me the landlord has not provided page two of the Notice to End Tenancy. In order for a legal notice to be valid and enforceable it must be

complete. As I have not received a complete copy of the 10 Day Notice to End Tenancy Due to Unpaid Rent or Utilities I cannot determine whether the tenants were served with the complete Notice and as a result I cannot be satisfied that a valid Notice was served on the tenants. Consequently, this application is dismissed without leave to reapply. The landlord is at liberty to serve a new Notice to End Tenancy on the tenants.

Conclusion

This application is dismissed without leave to reapply. The landlord is at liberty to serve a new Notice to End Tenancy on the tenant.

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 16, 2014

Residential Tenancy Branch

