

## **DECISION**

Dispute Codes      OPR MNR MNSD FF

### Introduction

This hearing proceeded 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, a Monetary Order for unpaid rent, to keep all or part of the security deposit, and to recover the cost of the filing fee from the Tenant for this application.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on July 20, 2009 the Landlord served the Tenant with the Notice of Direct Request Proceeding, served personally by the Landlord to the Tenant at the rental unit at 4:47 p.m. Based on the written submissions of the Landlord, I find that the Tenant has been served with the Dispute Resolution Direct Request Proceeding documents.

### Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession for unpaid rent; to a Monetary Order for unpaid rent; to retain the security deposit and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 38, 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Preliminary Issues

The Landlord has listed an address as the dispute address (address of the rental unit) on the dispute resolution application however this address is different than the address listed on the 10 Day Notice to End Tenancy for Unpaid Rent and the address listed on the tenancy agreement. Based on the aforementioned I find that this direct request

proceeding cannot proceed and I hereby dismiss the Landlord's application with leave to reapply.

Conclusion

**I HEREBY DISMISS** the Landlord's application, with leave to reapply.

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 06, 2009.

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Dispute Resolution Officer