



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, MNSD, FF

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OPR, MNR, MNSD, FF

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 for unpaid rent.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 14, 2009 the Landlord served the Tenant with the Notice of Direct Request Proceeding by registered mail. However, the Landlord's copy of the Canada Post registered mail receipt indicates that the Notice was sent on September 16, 2009.

Section 59(3) of the Act says that a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it or another period specified by the director. Given the contradictory evidence regarding the date of service, I cannot conclude that the Tenant was served as required by the Act with the Dispute Resolution Direct Request Proceeding documents.

Furthermore, as a part of the Direct Request procedure, the Landlord is required to provide a copy of the tenancy agreement. The copy of the tenancy agreement provided by the Landlord does not show the Tenant's signature (as it is apparently cut off) and the date the security deposit was paid is not indicated. The tenancy agreement states that the rent is \$850.00 however, the Landlord's claim is for unpaid rent of \$875.00 with no further evidence as to whether this is due to a valid Notice of Rent Increase having taken effect.

Conclusion

Having found that there is contradictory evidence regarding the date the Notice of Direct Request Proceeding was served on the Tenant and given the incomplete evidence regarding the terms of the tenancy agreement, I find that a conference call hearing is required and I order that the direct request proceeding be reconvened in accordance



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with section 74 of the Act. Notices of Reconvened Hearing are enclosed with this decision for the applicant to serve upon the Tenant within **three (3) days** of receiving this decision in accordance with section 88 of the Act.

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: September 23, 2009.

Dispute Resolution Officer