



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      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 due to unpaid rent.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on November 10, 2009 the Landlord served the Tenant with the Notice of Direct Request Proceeding in person. Based on the written submissions of the Landlord, I find that the Tenant has been served as required by s. 89 of the Act with the Dispute Resolution Direct Request Proceeding documents.

As part of the Direct Request Proceeding, the Landlord is also required to provide a copy of the 10 Day Notice to End Tenancy for Unpaid Rent. The copy of the 10 Day Notice submitted by the Landlord contains two inconsistencies. The first inconsistency is that the Notice states that the Tenant was served with the Notice on November 2, 2009 however the Notice is dated November 11, 2009 (indicating that it was purportedly signed by the Landlord *after* it was served). The second inconsistency is that the Notice alleges that there are rent arrears in the amount of \$965.00 however according to the Landlord's submissions on her application \$25.00 of that amount is for a late fee which does not fall within the definition of "*rent*" under s. 1 of the Act.

### Conclusion

Based on the foregoing, I find that a conference call hearing is required in order to determine the correct particulars of the 10 Day Notice to End Tenancy. 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: November 24, 2009.

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Dispute Resolution Officer