

INTERIM 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 for unpaid rent, a Monetary Order for unpaid rent, to keep 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 January 27, 2010 at 2:56 p.m. the Landlord served the Tenant with the Notice of Direct Request Proceeding via Registered mail to a post office box.

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 keep the security deposit, and to recover the cost of the filing fee, pursuant to sections 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The Landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding for the Tenant;
- A copy of a residential tenancy agreement which was signed by the Tenant and the Landlord on March 12, 2009 for a month to month tenancy beginning on March 21, 2009 for the monthly rent of \$650.00 due on the 1st of the month. A deposit of \$325.00 was paid on approximately March 21, 2009; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on January 3, 2010, with an effective vacancy date of January 13, 2010 due to \$650.00 in unpaid rent that was due on January 01, 2010.
- A statement by the Landlord which confirms that the Landlord was previously issued an Order of Possession and Monetary Order.

Documentary evidence filed by the Landlord indicates that the Tenant was served a 10 Day Notice to End Tenancy for Unpaid Rent when the Landlord posted the notice to the Tenant's door on January 3, 2010 at 3:00 p.m. in the presence of a witness.

Analysis

The Landlord has filed through the Direct Request Proceeding requesting an Order of Possession and a Monetary Order for unpaid rent and to keep the security deposit. The Landlord has provided a statement which confirms that the Landlord was previously issued an Order of Possession and a Monetary Order however the statement does not provide information as to if the Order of Possession was previously served on the Tenant and what payment arrangements were made with the Tenant.

Based on the foregoing, I find that a conference call hearing is required in order to determine the details of the Landlord's claim. Notices of Reconvened Hearing are enclosed with this decision for the Applicant Landlord and are required to be served to the Respondent Tenant by the Landlord.

Conclusion

I HEREBY FIND that a conference call hearing is required in order to determine the merits of this Application for Dispute Resolution. Notices of Reconvened Hearing are enclosed with this decision for the Landlord.

A copy of the Notice of Reconvened Hearing, this Interim Decision, the Application for Dispute Resolution, and any evidence that will be introduced at the hearing by the Landlord must be served upon Tenant, in accordance with section 88 of the *Act*, within **three (3) days** of receiving this decision.

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: February 08, 2010.

Dispute Resolution Officer