

## **DECISION**

Dispute Codes      OPR MNR

### 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 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 June 8, 2010, at 7:25 p.m. 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 with the Dispute Resolution Direct Request Proceeding documents.

### Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession and a Monetary Order pursuant to section 55 of the *Residential Tenancy Act*?

### Background and Evidence

I have carefully reviewed the following evidentiary material submitted by the Landlord:

- 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 all parties on May 14, 2010, for a fixed term tenancy beginning April 1, 2010 and switching over to a month to month tenancy after March 31, 2011, for the monthly rent of \$1,500.00 due on 1st of the month and a deposit of \$750.00 was paid at a later date; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on, May 14, 2010 with an effective vacancy date of June 14, 2010 due to \$1,500.00 in unpaid rent.

Documentary evidence filed by the Landlord indicates that the Tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent by leaving it personally with the Tenant, on May 14, 2010 at 7:00 p.m., in the presence of a witness.

### Analysis

The Landlord has filed through the Direct Request Process and provided in their evidence a tenancy agreement which was signed the same date the 10 Day Notice to End Tenancy was issued. The Landlord is claiming for unpaid rent and late payment fees for May 2010 and June 2010 based on a 10 Day Notice to End Tenancy that was issued on May 14, 2010 on their application for dispute resolution which was not filed until June 7, 2010.

Based on the foregoing, I find that this application does not meet the requirements of a Direct Request Process and 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: June 14, 2010.

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Dispute Resolution Officer