

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 July 16, 2010 the Landlord served each Tenant with the Notice of Direct Request Proceeding in person at the rental unit. Based on the written submissions of the Landlord, I find that each 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 each Tenant;
- A copy of a residential tenancy agreement which was signed by all parties for a fixed term tenancy beginning November 1, 2007 and switching over to a month to month tenancy after October 31, 2008, for the monthly rent of \$819.00 due on 1st of the month and a deposit of \$399.50 was paid on or before November 1, 2007; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on, June 3, 2010 with an effective vacancy date of June 13, 2010 due to \$3,531.84 in unpaid rent; and
- Copies of only the front page of notices of rent increases.

Documentary evidence filed by the Landlord indicates that the Tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent by leaving it personally with the male Tenant, on June 3, 2010, 12:39 p.m., in the presence of a witness.

Analysis

The Landlord has filed through the Direct Request Proceeding and is claiming for more than four months of unpaid rent for a total of \$3,531.84. I note that the second pages of alleged rent increases were not provided to prove the date and amounts of the increases.

I find that the amount being claimed by the Landlord to be too excessive to consider in a non-participatory hearing and claiming over four months of unpaid rent does not fit the criteria of a direct request proceeding when the rent amount being charged is different than the tenancy agreement. Based on the foregoing, I find that a conference call hearing is required in order to determine the merits of the Landlord's claim.

Conclusion

I 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: July 23, 2010.

Dispute Resolution Officer