

## **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 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 August 20, 2010, at 17:35 hrs the Landlord served each Tenant with the Notice of Direct Request Proceeding in person at the rental unit in the presence of a witness.

### Issue(s) to be Decided

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

Is the Landlord entitled to a Monetary Order pursuant to section 55 of the *Residential Tenancy 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 each Tenant;
- A copy of a residential tenancy agreement which was signed by the parties on June 4, 2010 for a fixed term tenancy beginning June 4, 2010 and set to expire on June 4, 2011. The monthly rent of \$880.00 is due on "June 3 day of each month" (written as displayed on the tenancy agreement) and a security deposit of \$440.00 was paid; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on August 6, 2010 with an effective vacancy date of August 16, 2010 due to \$900.00 in unpaid rent; and
- A handwritten document which states "if electricity bill over \$300.00 tenant will pay 30% - three person live the house the rent will be \$900.00".

Documentary evidence filed by the Landlord indicates that the Tenants failed to pay the rent in the amount of \$900.00 which was due August 3, 2010 and that the Tenants were served a 10 Day Notice to End Tenancy for Unpaid Rent personally on August 6, 2010, at 12:35 p.m. in the presence of a witness.

### Analysis

I have reviewed all documentary evidence and note that the 10 Day Notice to End Tenancy states the Tenants failed to pay rent in the amount of \$900.00 due on August 3, 2010. However, the tenancy agreement indicates rent is \$880.00 and payable on "June 4, 2010". Also, there is indication that rent may have changed and that the terms of how utilities are paid are unclear.

As per the aforementioned I find this application does not meet the requirements of the Direct Request process and find it necessary to adjourn this proceeding to a participatory hearing.

### Conclusion

I hereby order this proceeding be reconvened at a participatory teleconference hearing. Notices of Reconvened Hearing are enclosed with this decision for the Landlord.

A copy of the Notice of Reconvened Hearing, this 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 89 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: September 01, 2010.

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Dispute Resolution Officer