



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## 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 October 21, 2010, the Landlord served the Tenant with the Notice of Direct Request Proceeding via registered mail. Canada Post receipts were provided in the Landlord's evidence. The Tenant is deemed served on October 26, 2010, five days after it was mailed in accordance with Section 90 of the *Act*.

Based on the written submissions of the Landlord, I find 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 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 the Tenant;
- A copy of a residential tenancy agreement which was signed by the parties on April 29, 2009, for a fixed term tenancy beginning May 1, 2009 and set to switch to a month to month tenancy after October 31, 2009. The monthly rent of \$800.00 is due on the 1<sup>st</sup> of the month and a security deposit of \$400.00 was paid; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on October 4, 2010 with an effective vacancy date of October 14, 2010 due to \$1,075.00 in unpaid rent.

Documentary evidence filed by the Landlord indicates that the Tenant failed to pay the full rent in the amount of \$1,075.00 owed, however no information was provided by the Landlord to indicate how this amount was accrued. The Tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent when it was served personally to her on October 4, 2010 at 5:35 p.m. The Landlord has provided written confirmation that this service was witnessed by a third party.

### Analysis

I have reviewed all documentary evidence and note that the 10 Day Notice to End Tenancy states the tenant failed to pay rent in the amount of \$1,075.00 due on October 1, 2010. However, the tenancy agreement indicates rent is \$800.00. Also, there is no supporting documentation to indicate how the \$1,075.00 balance accrued.

As per the aforementioned I find this application does not meet the requirements of the Direct Request process and I hereby dismiss the application with leave to reapply.

### Conclusion

I hereby dismiss this application, with leave to reapply.

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 01, 2010.

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Dispute Resolution Officer