



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **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.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on February 8, 2011, the Landlord served each Tenant with the Notice of Direct Request Proceeding by posting it to their door at 12:15 p.m.

### 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 for a rental property which is located in a different city than what is listed on the application for dispute resolution and on the 10 Day Notice. The tenancy agreement was signed by all parties on September 28, 2010, for a fixed term tenancy beginning November 1, 2010, and switching to a month to month tenancy after April 30, 2011, for the monthly rent of \$600.00 due on 1st of the month and a deposit of \$300.00 was paid October 1, 2010 ; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on, February 2, 2011, with an effective vacancy date of February 12, 2011 due to \$600.00 in unpaid rent.

Documentary evidence filed by the Landlord indicates that the Tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent on February 2, 2011 at 12:10 p.m. when it was personally served to one of the Tenants in the presence of a witness.

### Analysis

The proof of service document for the Notice of Direct Request states the Landlords served each Tenant with the Notice by posting it to their door on February 8, 2011. When hearing documents are posted to the Tenants' door this meets the service requirements to request an Order of Possession but not a Monetary Order, pursuant to section 89 of the Act. This is noted clearly on the proof of service document which states "Note: Do not use this method if requesting a Monetary Order" Therefore I dismiss the Landlords' request for a Monetary Order, with leave to reapply.

The Landlord has issued a 10 Day Notice to End Tenancy and completed an application for dispute resolution listing the rental unit address in a different city or municipality than was noted on the Tenancy agreement. In the absence of proof that the rental unit address has changed to a new municipality or city, I find this application does not meet the requirements of the Direct Request process and the request for an Order of Possession is dismissed without leave to reapply through the Direct Request process.

### Conclusion

**I HEREBY DISMISS** the Applicants' application, without 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: February 11, 2011.

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Residential Tenancy Branch