



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## INTERIM DECISION

### Dispute Codes

OPR, MNR

### Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to sections 55(4) and 74(2) of the *Residential Tenancy Act (Act)*, and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession and a monetary order.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on April 13, 2011 the Landlord served the male Tenant with the Notice of Direct Request Proceeding by registered mail. The Landlord submitted a copy of a Canada Post Receipt, with a tracking number, which corroborates that a package was mailed to the male Tenant at the rental unit. Based on the written submissions of the Landlord, I find the male Tenant has been served with the Dispute Resolution Direct Request Proceeding document. Section 90 of the *Act* stipulates that a document that is served by mail is deemed received on the fifth day after it is mailed which, in these circumstances, is April 18, 2011.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on April 13, 2011 the Landlord served the female Tenant with the Notice of Direct Request Proceeding by registered mail. The Landlord submitted a copy of a Canada Post Receipt, with a tracking number, which corroborates that a package was mailed to the female Tenant at the rental unit. Based on the written submissions of the Landlord, I find the female Tenant has been served with the Dispute Resolution Direct Request Proceeding document. Section 90 of the *Act* stipulates that a document that is served by mail is deemed received on the fifth day after it is mailed which, in these circumstances, is April 18, 2011.

### Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession for unpaid rent and to a monetary Order for unpaid rent, pursuant to sections 55 and 67 of the *Act*.

### Background and Evidence

I have reviewed the following evidence that was submitted by the Landlord:

- A copy of the Proof of Service of the Notice of Direct Proceeding for each Tenant.
- Three pages of a six page residential tenancy agreement which appears to be signed by both Tenants. Information regarding when the tenancy began, when the rent is due, and the amount of rent that is payable was not included in the pages of the tenancy agreement that were submitted.
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was signed by the Landlord and dated April 04, 2011, which declares that the Tenants must vacate the rental unit by April 14, 2011 as they have failed to pay rent in the amount of \$1,200.00 that was due on April 01, 2011. The Notice declares that the tenancy will end unless the Tenants pay the rent within five days of receiving the Notice or submit an Application for Dispute Resolution seeking to set aside the Notice within five days of receiving the Notice.
- A copy of a signed Proof of Service of the 10 Day Notice to End Tenancy, in which the Landlord declared that he personally served the Notice to the male Tenant on April 04, 2011. The male Tenant signed the Proof of Service.

In the Application for Dispute Resolution the Landlord declared that the 10 Day Notice to End Tenancy was personally served on April 04, 2011.

In the Application for Dispute Resolution, the Landlord declared that the Tenants did not pay rent for April of 2011.

### Analysis

As the Landlord has not submitted a complete tenancy agreement, I find that I am unable to determine the amount of rent that the Tenants agreed to pay or the date which the rent was due. Without this information, I find that I am unable to determine how much rent is due or whether the Landlord had grounds to end this tenancy pursuant to section 46 of the *Act*.

### Conclusion

I find that a conference call hearing is required in order to determine the merits of this Application for Dispute Resolution and I order that the direct request proceeding be reconvened in accordance with section 74 of the *Act*. 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: April 26, 2011.

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