



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Dispute Codes** OPR, MNR

### **Introduction**

This matter was conducted by way of Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act* (the "Act"), and dealt with an Application for Dispute Resolution by the Landlords for an Order of Possession and a Monetary Order for unpaid rent.

The Landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding on the Tenant. The Proof of Service document declares that on June 24, 2011 at 11:40 the Landlord MS served the Notice of Direct Request Proceeding on the Tenant by leaving the document with the Tenant at the rental unit. Based on the written submissions of the Landlords, I find that the Tenant was served with the Direct Request Proceeding documents pursuant to the provisions of Section 89(1)(a) of the Act.

### **Issue(s) to be Decided**

- Are the Landlords entitled to an Order of Possession?
- Are the Landlords entitled to a Monetary Order for unpaid rent?

### **Background and Evidence**

The Landlords submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding upon the Tenants
- A copy of the Proof of Service of the Notice to End Tenancy upon the Tenant;
- A copy of a residential tenancy agreement, which was signed by the parties on March 1, 2011, indicating a monthly rent of \$850.00 due on the last day of each month;
- 11 additional pages including copies of e-mails, two cancelled cheques and a photocopy of a photograph; and
- A copy of page one of a two page 10 Day Notice to End Tenancy for Unpaid Rent which was issued on June 14, 2011, with an effective vacancy date of June 24, 2011, for \$850.00 that was due on June 1, 2011.

The Landlords' Application for Dispute Resolution filed June 24, 2011, indicates that the Tenant owed rent in the amount of \$850.00 for the month of June, 2011.

The Landlords' documentary evidence indicates that the Tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent by posting the document to the Tenant's door on June 15, 2011 at 4:00 p.m. The Proof of Service document was signed by a witness.

### **Analysis**

I have reviewed all documentary evidence. The Landlords did not provide a copy of page two of the Notice to End Tenancy in evidence. Page two contains critical information for the Tenant, including but not limited to: the time limits for the payment of the outstanding rent; explanation regarding the Direct Request Process; and the consequences if the rent is not paid. The Notice to End Tenancy form clearly shows on the bottom of each of the two pages that both pages must be provided to the Tenant.

This is a Direct Request proceeding and therefore I cannot ask questions of the parties to determine whether or not the Tenant was served with both pages of the Notice to End Tenancy. Therefore, the Landlords' application is dismissed with leave to reapply.

### **Conclusion**

The Landlords' application is **dismissed 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: July 18, 2011.

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Residential Tenancy Branch