



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

This matter was conducted 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 due to unpaid rent.

Decision and reasons

On a Direct request application the landlord is required to submit the following evidentiary material:

- A copy of a residential tenancy agreement which was signed by the parties.
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent, which includes the direct request explanation.
- Proof of service of the 10 day Notice to End Tenancy as either a registered mail receipt or written receipt signed by the tenant or witnessed by a third-party confirming the notice was served.

And before the direct request proceeding can take place the landlord must also supply:

- A copy of the Proof of Service of the Notice of Direct Request Proceeding for each tenant;

On this application the landlord has provided the first three items above; however the applicant has not provided valid Proof of Service of the Notice of Direct Request Proceeding.

The applicant signed a statement which states that the notice of direct request proceeding was served on the respondents on August 19, 2011, however the notice of direct request was not issued by the Residential Tenancy Branch until August 22, 2011.

Therefore the notice of direct request could not have been served on August 19, 2011 and I'm not willing to proceed with this matter.

Conclusion

This 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: August 26, 2011.

Residential Tenancy Branch