



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 Monetary Order for unpaid rent.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on July 28, 2011 at 9:00 p.m., the Landlord served each Tenant with the Notice of Direct Request Proceeding in person at the rental unit. Based on the written submissions of the Landlord, I find that each Tenant has been served with the Dispute Resolution Direct Request Proceeding documents in accordance with the Act.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession 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 which was signed by all parties on August 9, 2010, for a month to month tenancy agreement that began August 1, 2010, for the monthly rent of \$700.00 due on 1st of the month and a deposit of \$350.00 was paid; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on, July 6, 2011, with an effective vacancy date of July 18, 2011 due to \$1,750.00 in unpaid rent; and

Documentary evidence filed by the Landlord indicates that the Tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent when it was personally served to one of the Tenant's on July 4, 2011 at 7:30 p.m. in the presence of a witness.

Analysis

The Landlord submitted a copy of the 10 Day Notice to End Tenancy that was issued and signed on July 6, 2011; however on the application for Dispute Resolution and on the proof of service document the Landlord indicated the 10 Day Notice was served personally to one of the Tenants on July 4, 2011, two days before the 10 Day Notice was created.

Based on the above I find that this application does not meet the requirements for the Direct Request process and I hereby dismiss the Landlord's application with leave to reapply.

Conclusion

I HEREBY DISMISS the Landlord's 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: September 02, 2011.

Residential Tenancy Branch