



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes OPR MNR

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 48(4) of the Act, and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 24, 2011 at 9:00 p.m. the Landlord served the Tenant, in person at the rental unit, with the Notice of Direct Request Proceeding. Based on the written submission of the Landlords I find that the Tenant has been sufficiently served notice of the Direct Request Proceeding in accordance with Section 82 of the Act.

Issue(s) to be Decided

Is the Landlord is entitled to an Order of Possession and a Monetary Order, pursuant to section 48 of the Act?

Background and Evidence

I have carefully reviewed the following evidentiary material submitted by the Landlords:

- A copy of the Proof of Service of the Notice of Direct Proceeding for the Tenant;
- A copy of a tenancy agreement which was signed by all parties for a fixed term tenancy that began on July 1, 2009 and is set to expire after a date that has been

altered what appears to be on more than one occasion, after which time the tenant is required to vacate the property however neither party initialed this selection; for the monthly rent of \$1,200.00 due on the first of each; and

- A notation on the Landlords' application which indicates rent for June and August remains unpaid; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on, September 13, 2011 with an effective vacancy date of September 15, 2011 due to \$2,400.00 in unpaid rent.

Documentary evidence filed by the Landlords indicates that the Tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent on September 13, 2011 in person at the rental unit when it was left personally with the Tenant.

Analysis

The Landlord has filed through the Direct Request process and is claiming for unpaid rent for June and August. This application was not filed until September 21, 2011 yet this is no mention if rent for September 1, 2011 was paid and if a receipt was issued. Furthermore the tenancy agreement that was provided into evidence has been altered on what appears to be more than one occasion changing the end date for the fixed term tenancy agreement.

Based on the aforementioned I cannot clearly determine the terms of the tenancy agreement and if rent was paid for July and September. Therefore I find that this application does not meet the criteria of a direct request proceeding. Accordingly, I find that a conference call hearing is required in order to determine the details of the tenancy. Notices of Reconvened Hearing are enclosed with this decision for the Applicant Landlords and are required to be served to the Respondent Tenant by the Landlords.

Conclusion

I HEREBY FIND that a conference call hearing is required in order to determine the merits of this Application for Dispute Resolution. Notices of Reconvened Hearing are enclosed with this decision for the Landlords.

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 Landlords must be served upon Tenant, in accordance with section 81 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 *Manufactured Home Park Tenancy Act*.

Dated: September 26, 2011.

Residential Tenancy Branch