



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This matter proceeded 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 landlord for an order of possession 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 January 13, 2012, the landlord served the tenant with the notice of direct request proceeding via personal service.

Based on the written submissions of the landlord, I find that the tenant has been duly served with the direct request proceeding documents.

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 46, 55 and 67 of the Act.

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the proof of service of the notice of direct proceeding for the tenant;
- A copy of a unsigned residential tenancy agreement;
- A copy of a ten day notice to end tenancy for unpaid rent which was issued on January 2, 2011, with a stated effective vacancy date of January 12, 2011, for \$615.00 in unpaid rent; and
- A copy of a ten day notice to end tenancy for unpaid rent which was issued on January 13, 2012, with a stated effective vacancy date of January 12, 2012, for \$615.00 in unpaid rent.

Documentary evidence filed by the landlord for the notice issued on January 2, 2011, indicates that the tenant had failed to pay all rent owed for January 1, 2011, and the notice was served by posting on the door on January 2, 2012.

Documentary evidence filed by the landlord for the notice issued January 13, 2012, indicates that the tenant had failed to pay all rent owed for January 1, 2012.

Analysis

I have reviewed all documentary evidence and I find the ten day notice issued on January 2, 2011, is inconsistent with the proof of service filed, and the application filed by the landlord. The documentary evidence does not support the landlord's request for an order of possession and a monetary order.

I do not accept that the tenant has been properly served with the ten day notice to end tenancy, dated January 13, 2012. There is no proof of service that the ten day notice to end tenancy was served on the tenant after the date the notice was issued.

Further, the landlord has not provided the documents required to proceed by direct request. The tenancy agreement submitted in evidence has not been signed by either party.

Based on the foregoing, I find that the landlord has not provided sufficient evidence to support the application for an order of possession, and monetary order through the direct request process. Therefore, the landlord's application is dismissed.

Conclusion

I find that the landlord has not provided sufficient evidence to support his application. Therefore, I dismiss the landlord's application.

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: January 20, 2012.

Residential Tenancy Branch