



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### 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 landlord for an Order of Possession and a monetary order.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on February 10, 2012, at 4:40 p.m. the female tenant was personally served the Notice of Direct Request Proceeding at the rental unit address. A proof of service document submitted as evidence of service was signed by a witness who was present.

The male tenant was served with Notice of the Direct Request Proceeding on February 13, 2012, at 1:30 p.m., at an address indicated on a proof of service documents submitted as evidence. A witness signed the proof of service.

Based on the written submissions of the landlord, I find that each tenant has been served with the Direct Request Proceeding documents, as provided by section 90 of the Act.

### Preliminary Matters

On February 13, 2012, the landlord submitted a note to the Residential Tenancy Branch in which he indicated that the female tenant also be named on the application by her other known name.

The male tenant gave the landlord a note dated February 13, 2012, in which he declared that he had not lived at the unit since January 4, 2012 and that only the female respondent now resides at the unit. This respondent indicated that the female tenant was known by her maiden name. The landlord's February 13, 2012 note also indicated that the Notice of Direct Request did not need to be served to the male tenant and that the order of possession should only name the female tenant.

Issue(s) to be Decided

Is the landlord entitled to an Order of possession?

Is the landlord entitled to monetary compensation for unpaid rent?

Background and Evidence

The landlord submitted the following evidentiary material:

- 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 the parties on October 4, 2011, indicating a monthly rent of \$900.00 due on the first day of the month;
- A copy of a 1 Month Notice Ending Tenancy; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on February 2, 2012, with a stated effective vacancy date of February 12, 2012; no amount of unpaid rent was included in the Notice.

The landlord has claimed unpaid January 2012, rent in the sum of \$100.00 and unpaid February rent in the sum of \$900.00

Analysis

As the 10 Day Notice Ending Tenancy does not include an amount owed by the tenants, I find that the Direct Request proceeding is dismissed with leave to reapply. The tenants were served with a Notice ending tenancy that did not indicate any amount of money was owed for rent. The absence of an amount of rent owed on the Notice leaves the amount of rent owed in question.

Further, the landlord has indicated that they wish to proceed against the female tenant; that they do not wish to include the male tenant as a respondent in relation to an Order of possession. It is unclear if the landlord wishes to proceed against the male tenant in relation to any rent that may be owed. The application did not include the other known name that the female tenant may use.

Therefore, I find that this application is dismissed with leave to reapply. The landlord may wish to request a participatory hearing so that the details of the claim may be explained and the application completed including the full names used by the female tenant. Further, the landlord may wish to issue a Notice ending tenancy which includes the amount of rent owed, as the Notice submitted for this proceeding is invalid due to the absence of any amount of rent owed.

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: February 14, 2012.

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Residential Tenancy Branch