



Dispute Resolution Services

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 February 29, 2012, the landlord served on the tenant the Notice of Direct Request Proceeding by sending it to him via registered mail.

Based on the written submissions of the landlord, I find that the tenant has been duly served with the Direct Request Proceeding documents.

Issue to be Decided

Is the landlord entitled to an order of possession or monetary order as claimed?

Background and Evidence

The landlord submitted a copy of the tenancy agreement which showed that the tenant was obligated to pay \$700.00 per month in rent. He presented further evidence showing that on February 8, 2012, the tenant was served with a 10-day notice to end tenancy by posting the notice on the door of the rental unit. The notice to end tenancy states that \$705.00 was owing as of February 1, 2012. The landlord’s application seeks to recover \$700.00 in unpaid rent.

Analysis

In order to make a determination, I must be satisfied that the notice to end tenancy accurately reflected the amount owing at the time it was served. In this case, the notice to end tenancy states that \$705.00 was owing while the landlord has claimed just

\$700.00. I am not satisfied that the notice to end tenancy accurately reflected the amount owing at the time it was served and for this reason I am unable to grant the landlord an order of possession.

Conclusion

The claim for an order of possession is dismissed. The landlord is free to serve a new notice to end tenancy on the tenant. The monetary claim 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: March 06, 2012

Residential Tenancy Branch