



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 for unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding for each tenant to declare that on April 17, 2012 the landlord served each tenant with the Notice of Direct Request Proceeding via personal delivery at the landlord's residence.

Based on the written submissions of the landlord, I find that the tenants have been served with the Direct Request Proceeding documents.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession and 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 February 19, 2012, indicating a monthly rent of \$880.00 due on the 1st day of every month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on April 10, 2012 for \$880.00 in unpaid rent as of April 1, 2012; and,
- A copy of a Proof of Service of the 10 Day Notice indicating the landlord personally served the 10 Day Notice upon one of the tenants on April 10, 2012 in the presence of a witness.

The 10 Day Notice states that the tenants had five days to pay the rent or apply for Dispute Resolution or the tenancy would end.

The tenants not apply to dispute the Notice to End Tenancy within five days from the date of service; however, in the details of dispute, the landlord includes the statement “we collected the rent fee on April 6 the tenants gave different reasons to deny to pay rent.”

Analysis

Based upon the landlord's statement in the details of dispute, I find I am unable to conclude whether the tenants paid all or a portion of rent, or some other amount, to the landlord on April 6, 2012. Therefore, I find that a conference call hearing is required in order to determine the landlord's entitlement to an Order of Possession and Monetary Order for unpaid rent.

Notices of Reconvened Hearing are enclosed with this decision for the landlord to serve upon the tenants within **three (3) days** of receiving this decision in a manner that complies with section 89 of the Act.

Conclusion

This matter has been set for a participatory hearing. The landlord must serve the Notices of Reconvened Hearing upon the tenants within three 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 *Residential Tenancy Act*.

Dated: April 24, 2012.

Residential Tenancy Branch