



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR MNR

### Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 55(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 June 15, 2012 at 10:00 p.m. the Landlord served each Tenant with the Notice of Direct Request Proceeding when they posted the documents to the Tenants' door at the rental unit.

### Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession and a Monetary Order under section 55 of the *Residential Tenancy 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 each Tenant ; and
- A copy of a tenancy agreement signed by all parties on December 28, 2009 for what appears to be a subsidized rent in the amount of \$581.00 and which lists the economic rent to be estimated at \$1,100.00; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on June 5, 2012, with an effective vacancy date of June 15, 2012, due to \$420.00 in unpaid rent that was due on June 1, 2012.

Documentary evidence filed by the Landlord indicates that the Tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent on June 5, 2012 at 3:45 p.m. when it was posted to the Tenants door in the presence of a witness.

### Analysis

The Applicant has been filed through the Direct Request process and in support of their claim the Landlord has submitted, among other documents, a copy of the tenancy agreement which indicates rent is based on a subsidy. Furthermore the Landlord has provided a 10 Day Notice which indicates the amount of unpaid rent to be \$420.00 while the tenancy agreement indicates rent to be \$581.00.

Based on the foregoing, I find there to be insufficient evidence to determine what the current subsidized rent is, and if rent remains unpaid due to a change in the subsidy which would require a notice to end tenancy in accordance with section 49.1 of the Act. Therefore, I find that a conference call hearing is required in order to determine the full details of this claim.

### 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 included with this decision for the Landlord to serve to each Tenant within 3 days of receipt of this decision, in accordance with section 89 of the Act.**

Each party must serve the other and the Residential Tenancy Branch with any evidence that they intend to reply upon at the new hearing. Fact sheets are available at <http://www.rto.gov.bc.ca/content/publications/factSheets.aspx> that explain evidence and service requirements. If either party has any questions they may contact an Information Officer with the Residential Tenancy Branch at:

**Lower Mainland:** 604-660-1020

**Victoria:** 250-387-1602

**Elsewhere in BC:** 1-800-665-8779

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: June 18, 2012.

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Residential Tenancy Branch