



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

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 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, the landlord served the tenant with the notice of direct request proceeding via posting to the door of the residence.

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, pursuant to sections 46, and 55 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 residential tenancy agreement; with a name and address that is different than on the landlord's application for dispute resolution and the ten day notice to end tenancy.
- A copy of a ten day notice to end tenancy for unpaid rent which was issued on June 5, 2012, with a stated effective vacancy date of June 15, 2012, for \$423.00 in unpaid rent; and

Documentary evidence filed by the landlord for the notice issued on June 5, 2012 indicates that the tenant had failed to pay all rent owed for June 2012, the notice was served by posting on the door on June 5, 2012.

Analysis

I have reviewed all documentary evidence and I find the Dispute Resolution Application and the tenancy agreement are inconsistent. The name and address on the tenancy agreement does not correspond with the tenants name and address on the application and the notice to end tenancy.

Based on the foregoing, I find that the landlord has not provided sufficient evidence to support the application for an order of possession 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 their 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: June 18, 2012.

Residential Tenancy Branch