



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This non-participatory matter was conducted by way of direct request proceeding, pursuant to section 55(4) of the Residential Tenancy Act (the "Act"), and dealt with the landlord's application for dispute resolution seeking 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 June 8, 2012, the landlord served the tenant with the Notice of Direct Request Proceeding via personal delivery.

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

Is the landlord is entitled to an order of possession for unpaid rent and to a monetary order for unpaid rent?

Background and Analysis

The landlord has provided a copy of tenancy agreement, listing the date of occupancy of June 31, 2012; however the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") listed rent of \$700.00 owing as of June 1, 2012. Additionally, the tenancy agreement did not list the date the first month's rent was due.

Due to these inconsistencies in the documents, I am not able to determine on a direct request proceeding that the tenant owed rent of \$700.00 on June 1, 2012.

I therefore find that this application does not meet the requirements for the Direct Request process.

Conclusion

I hereby order that the 10 Day Notice to End Tenancy for Unpaid Rent issued and dated June 6, 2012, is without force or effect.

I hereby dismiss the landlord's application, without leave to reapply.

The landlord is at liberty to issue another 10 Day Notice to End Tenancy for Unpaid Rent to the tenant, and if necessary, request a conference call hearing for the purpose of proving the date the tenancy began and the date upon which the monthly rental obligation of the tenant began.

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 11, 2012.

Residential Tenancy Branch