



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 July 12, 2012 the Landlord served each Tenant with the Notice of Direct Request Proceeding in person at the rental unit. Based on the written submissions of the Landlord, I find that each Tenant has been sufficiently served with the Dispute Resolution Direct Request Proceeding documents.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession and a Monetary Order pursuant to section 55 of the *Residential Tenancy Act*?

Background and Evidence

I have carefully reviewed the following evidentiary material submitted by the Landlord:

- 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 all parties for a month to month tenancy beginning April 1, 2011, for the monthly rent of \$1,200.00, the tenancy agreement does not list when rent is payable; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued to Tenant H.M. on, July 3, 2012, with an effective vacancy date listed as July 13, 2012, due to \$1,200.00 in unpaid rent.

- And copies of a previous issued Order of possession, monetary order, 10 Day Notice, and letters from the property Strata company.

Documentary evidence filed by the Landlord indicates that the Tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent on April 2, 2012 when it was personally served to Tenant H.M. who signed acknowledging receipt of the Notice.

Analysis

I have carefully reviewed the tenancy agreement and note there is nothing written in the tenancy agreement that indicates when rent is payable each month. Therefore, I cannot determine if the 10 Day Notice issued July 3, 2012 is issued in accordance with the Act.

Based on the aforementioned I find this application does not meet the requirements of the Direct Request Process and the application is dismissed.

Conclusion

I HEREBY DISMISS the Landlord's application.

No findings of fact or law have been made in relation to the 10 Day Notice issued July 3, 2012.

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: July 17, 2012.

Residential Tenancy Branch