



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, OPR

This matter was conducted 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 and a monetary order due to unpaid rent.

On a Direct request application the landlord is required to submit the following evidentiary material:

- A copy of a residential tenancy agreement which was signed by the parties.
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent, which includes the direct request explanation.
- Proof of service of the 10 day Notice to End Tenancy as either a registered mail receipt or written receipt signed by the tenant or witnessed by a third-party confirming the notice was served.

And before the direct request proceeding can take place the landlord must also supply:

- A copy of the Proof of Service of the Notice of Direct Request Proceeding for each tenant;

On this application the landlord has provided the first three items above; however the applicants proof of service of the Notice of Direct Request Proceeding states that the Notice of Direct Request Proceeding was served on August 21, 2012; however the Notice of Direct Request Proceeding was not issued until August 22, 2012, and therefore could not have been served on August 21, 2012.

I am therefore not convinced that the respondent has been served with the Notice of Direct Request Proceeding.

Conclusion

This application is therefore dismissed with leave to reapply.

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: August 27, 2012.

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Residential Tenancy Branch