



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR

### Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act (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. A participatory hearing was not convened.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 20, 2012 the landlord served the tenant with the Notice of Direct Request Proceeding by posting it at the rental unit.

Based on the written submissions of the landlord, I find that the tenant has been sufficiently served with the Dispute Resolution Direct Request Proceeding documents pursuant to the *Act*, solely for the purpose of determining possession.

While Section 82(2) allows a landlord to serve a Notice of Direct Request Proceeding by posting it to the rental unit for the purposes of possession, Section 82(1) does not allow this method of service for the landlord's monetary claim.

As such, based on the landlord's failure to serve in accordance with the *Act* in regards to the monetary claim, I dismiss this portion of the landlord's claim with liberty to reapply.

### 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 39, 48, 60, and 65 of the *Act*.

### Background and Evidence

The landlord submitted the following documentary evidence:

- Copies of several pages of several documents including an Application for Tenancy; Mobile Home Park Rules and Regulations; Residential Tenancy Agreement Addendum for Crime Free Housing; and several other unnamed pages of what appear to be several documents; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on September 14, 2012 with an effective vacancy date of September 24, 2012 due to \$2,185.00 in unpaid rent.

Documentary evidence filed by the landlord indicates the tenant failed to pay the full rent owed for the months of July, August and September 2012 and that the tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent personally on September 14, 2012 at 10:30 a.m. and that this service was witnessed by a third party.

The Notice states the tenant had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenant did not pay the rent in full or apply to dispute the Notice to End Tenancy within five days.

### Analysis

I have reviewed all documentary evidence and as the landlord has not provided a copy of a tenancy agreement outlining the terms of any tenancy agreed upon, including identification of who the landlord and tenants are; the amount of rent and when rent is due and the Direct Request process does not allow the opportunity to have any questions answered I find this Application is not suitable for adjudication through the Direct Request process.

### Conclusion

As per the above, I dismiss this Application in its entirety with leave to reapply through the participatory hearing process.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: September 26, 2012.

---

Residential Tenancy Branch