



# Dispute Resolution Services

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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 an application for dispute resolution by the landlord for an order of possession for the rental unit due to unpaid rent and for a monetary order for unpaid rent.

### Evidence and Analysis

On their application for dispute resolution, the landlord submitted that the tenant was served a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) on August 15, 2012, via registered mail. However, one of the documents in submitted by the landlord in support of their application was a Proof of Service of the Notice, which did not list a service date nor provide a receipt, as required. Instead the landlord wrote a tracking number on the Proof of Service and supplied a copy of a tracking history from Canada Post, listing August 8, 2012, as the date the Post Office accepted the registered mail, not August 15, 2012, as stated by the landlord on their application.

Further the tracking history showed a signatory name other than the tenant.

I therefore find the landlord provided inconsistent and incomplete proof that the tenant was served with a 10 Day Notice to End Tenancy for Unpaid Rent.

Additionally the landlord did not provide a completed customer receipt showing the address to which the registered mail containing the Notice of Direct Request proceeding was sent, nor did the landlord provide a receipt showing the payment date of that Notice.

I therefore find the landlord failed to provide sufficient proof that the tenant was served the Notice of Direct Request proceeding.

The direct request procedure is based upon written submissions only. Accordingly, written submissions must be sufficiently complete and consistent in order to succeed. Among the documents that must be submitted in order to qualify for the direct request

procedure is proof that the tenant was served with a 10 Day Notice to End the Tenancy and the Notice of Direct Request proceeding.

As I have found that the landlord has not provided sufficient proof the tenant was served with a 10 Day Notice to End Tenancy for Unpaid Rent or of the Direct Request proceeding, I find this application cannot proceed under the direct request process.

Conclusion

I hereby order that the 10 Day Notice to End Tenancy for Unpaid Rent which is the subject of this application 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.

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: September 11, 2012.

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Residential Tenancy Branch