Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   OPR

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the Act). The landlord applied for an order of possession pursuant to a notice to end tenancy for unpaid rent.

Preliminary Issue – Insufficient Evidence of Unpaid Rent

The Notice to End Tenancy for Unpaid Rent, dated September 17, 2012, indicates that the tenant failed to pay rent of $750 that was due on September 1, 2012. In their application for dispute resolution, the landlord did not indicate whether the tenant had paid the rent in full within five days of being deemed served with the notice to end tenancy for unpaid rent. If the tenant had paid the outstanding amount in full within the prescribed deadline, the notice to end tenancy for unpaid rent would no longer be valid. As the application does not provide sufficient evidence to establish that the notice to end tenancy is valid, I cannot issue an order of possession pursuant to that notice.

Conclusion

The application is 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: October 9, 2012.

Residential Tenancy Branch