



# Dispute Resolution Services

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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"), and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession for unpaid rent.

The landlord submitted signed Proof of Service of the Notice of Direct Request Proceeding documents to declare that on October 5, 2012 the landlord served each tenant by posting the Notice of Direct Request Proceeding on the rental unit door.

Based on the written submissions of the landlord, I find that the tenants have been served with the Direct Request Proceeding documents.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent?

### Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Request for each tenant;
- A copy of a one year fixed term residential tenancy agreement which was signed by the parties on October 5, 2011, indicating monthly rent of \$775.00 due on the 1<sup>st</sup> day of every month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on August 22, 2012 with a stated effective vacancy date of August 11, 2012, for \$775.00 in unpaid rent as of August 1, 2012; and,
- A copy of a Proof of Service of the 10 Day Notice indicating the landlord posted the 10 Day Notice on the tenants' door on August 22, 2012 in the presence of a witness.

The 10 Day Notice states that the tenants had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenants did not apply to dispute the Notice to End Tenancy within five days from the date of service.

In filing the original application the landlord indicated the tenants failed to pay rent for August 2012 and requested a Monetary Order for \$775.00. The landlord subsequently amended the application and in doing so the landlord struck out that the tenants failed to pay rent for August 2012 and indicated he was seeking an Order of Possession only.

### Analysis

The Direct Request Proceeding is based on written submissions of the landlord only. Accordingly, the submission must contain sufficient particulars in order for the landlord's application to succeed.

Based upon the information submitted by the landlord I find I am uncertain as to whether the tenants paid the outstanding rent for August 2012 and if it was paid, the date that it was paid.

In light of the above, I find insufficient information has been provided with respect to the status of the rent for August 2012 and I find I cannot grant the landlord's request based upon what is before me. Therefore, I dismiss the landlord's application.

### Conclusion

The landlord's request for an Order of Possession has been dismissed due to insufficient particulars.

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 10, 2012.

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Residential Tenancy Branch