



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This matter proceeded 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 and a monetary order for unpaid rent.

Preliminary Issue

The Direct Request process is a mechanism that allows the landlord to apply for an expedited decision, with that the landlord must follow and submit documentation exactly as the *Act* prescribes; there can be no omissions or deficiencies with items being left open to interpretation or inference.

In this case, the landlord has not filled out the Proof of Service of the Notice of Direct request as required. The landlord has submitted Canada post tracking numbers; however, as the proof of service is not completed I am unable to find the tenants have been properly served with the Direct Request process.

Further, the 10 day notice to end tenancy submitted in evidence by the landlord stated the tenant has failed to pay rent in the amount of \$635.00, which was due on. This portion of the notice appears to be covered and I am unable to determine the date stated in the notice.

Also, the 10 day notice to end tenancy indicates rent owed was \$635.00, the application indicates rent owed is \$650.00, based on the discrepancies of these documents the amount of rent that is actually owed cannot be determined.

Under these circumstances, I **dismiss** the landlord's application **with leave to reapply**. The landlord should not apply for a direct request proceeding unless all documents are completed in full and clear. Therefore, the landlord may wish to submit a new

application through the normal dispute resolution process which includes a participatory hearing.

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: February 12, 2013

Residential Tenancy Branch

