



# 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.

In addition to other documentary evidence, the landlord submitted a 1 page tenancy agreement that did not include a day in the month upon which monthly rent is due.

### Preliminary Issue

The direct request procedure is based upon written submissions only. Accordingly, written submissions must be sufficiently complete in order to succeed. One of the documents that must be submitted in order to qualify for the direct request procedure is a tenancy agreement stating upon which day of the month rent is due as required under section 13 (2)(f)(v) of the Act.

In this case I find the landlord’s tenancy agreement to be deficient as I could not determine from the landlord’s tenancy agreement that rent was due on February 1, 2013, as mentioned in the landlord’s 10 Day Notice to End Tenancy for Unpaid Rent. Rent could be just as likely due on the last day of the month.

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 prepared in accordance with the Act and Regulations. 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* and is being mailed to both the applicant and the respondent.

Dated: April 05, 2013

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Residential Tenancy Branch

