



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Devon Properties Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR

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.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on March 27, 2013, the landlord served the tenant with the Notice of Direct Request Proceeding by leaving it with the tenant. Based on the written submissions of the landlord, I find that the tenant has been served with the Direct Request Proceeding documents.

Evidence and Analysis

I have reviewed all documentary evidence and accept that the tenant has been served with a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) as declared by the landlord. The Notice stated “you have failed to pay rent in the amount of \$745 that was due on March 1, 2013.”

Among other documents provided by the landlord, a written tenancy agreement was submitted, indicating that monthly rent was \$590; however the landlord failed to provide evidence to substantiate that the monthly rent had increased to \$745.

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 substantiation of the monthly rent obligation.

As the landlord has failed to prove that the tenant's monthly rent had increased to \$745, I find the Notice is not enforceable as I am unable to verify the amount of rent listed is the amount due.

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, dated March 6, 2013, which is the subject of this application is without force or effect.

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 submitted in full. 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 30, 2013

Residential Tenancy Branch