



# 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 one of the rental units due to unpaid rent and for a monetary order for unpaid rent.

### Background and Evidence

Among other documents, the landlord provided a tenancy agreement, which referenced two numbered rental units and a monthly rent of \$1400; however the landlord requested an order of possession for only one rental unit, alleging unpaid rent of \$1000, without providing a further explanation as to how any payments were apportioned between the two rental units.

Further the 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) issued to the tenant did not list either of the numbered units, only the street address.

### Analysis

The direct request process is a mechanism that allows the landlord to apply for an expedited decision and is based upon written submissions only. There can be no omissions or deficiencies with items being left open to interpretation or inference.

Due to the inconsistencies mentioned above, I was unable to determine from the written submissions of the landlord to which rental unit the Notice pertained or the amount of rent owed for the numbered rental unit listed on the landlord’s application.

I therefore find that this application does not meet the requirements for the Direct Request process.

Conclusion

I hereby order that the 10 Day Notice to End Tenancy for Unpaid Rent issued May 10, 2013, and dated May 9, 2013, is without force or effect.

I therefore dismiss the landlord's application, without leave to reapply.

The landlord is at liberty to issue another 10 Day Notice to End Tenancy for Unpaid Rent to the tenant, and if necessary, request a conference call hearing for the purpose of proving that the amount of rent alleged owed for each rental unit is consistent with the 10 Day Notice, or to otherwise explain the inconsistencies.

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: June 04, 2013

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Residential Tenancy Branch