



# 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.

The landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on June 20, 2013, the landlords served the tenants with the Notice of Direct Request Proceeding via registered mail, Canada post tracking numbers were provided as evidence.

Section 90 of the Act determines that a document served in this manner is deemed to have been served five, three days later.

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

### 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 landlords have submitted a copy of the tenancy agreement, however, a portion of that agreement has been covered and the landlord signature does not appear as required by the direct request process as the tenancy agreement must be signed by both parties. Further, the document is dated at the top January 1, 2013; the signature of the tenants appears to be dated February 9, 2013 and under that date is written, “the

original signed on January 1, 2013". As a result, I am unable to determine if the landlords signed the tenancy agreement or if this is the original tenancy agreement as no other agreement signed on January 1, 2013, was submitted.

I also note, the 10 Day Notice to End Tenancy for Unpaid Rent, submitted as evidence appears to be dated June 5, 2013, however, it was served on June 3, 2013. As a result, I am unable to determine what date the notice was issued.

Under these circumstances, I **dismiss** the landlords' 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 landlords 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: June 27, 2013

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Residential Tenancy Branch