



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Rockston Developments Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act (Act)*, and dealt with an Application for Dispute Resolution by the landlord for an order of possession and a monetary order due to unpaid rent. A participatory hearing was not convened.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 13, 2013 the landlord served the tenant with the Notice of Direct Request Proceeding via registered mail. Section 90 of the *Act* states a document sent by mail is deemed served on the 5th day after it is mailed.

Based on the written submissions of the landlord, I find that the tenant has been sufficiently served with the Dispute Resolution Direct Request Proceeding documents pursuant to the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent and to a monetary order for unpaid rent, pursuant to Sections 46, 55, 67, and 72 of the *Act*.

Background and Evidence

The landlord submitted the following documentary evidence:

- A copy of a residential tenancy agreement which was signed by the parties on February 3, 2013 for a 6 month and 1 day fixed term tenancy beginning on January 1, 2013 for the monthly rent of \$770.00 due on the 1st of each month. The tenancy agreement states the tenant must vacate the rental unit on July 1, 2013; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on August 2, 2013 with an effective vacancy date of August 2, 2013 due to \$1,540.00 in unpaid rent.

Analysis

As the tenancy was scheduled to end on July 1, 2013 and the tenant was required to vacate, I find the landlord has failed to provide evidence of a new tenancy and or what terms this tenancy may be under. As such, I find that his Application is not suitable to be adjudicated through the Direct Request process as there is no opportunity to ask the parties any questions to understand the terms of the new tenancy.

Conclusion

For the reasons noted above, I dismiss this Application in its entirety with leave to reapply through the participatory hearing process or by way of direct request if the landlord has a current tenancy agreement.

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: August 19, 2013

Residential Tenancy Branch