



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Mainstreet Equity Corp.  
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 *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.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 29, 2013 the landlord served the tenants with the Notice of Direct Request Proceeding by registered mail. Section 90 of the Residential Tenancy Act determines that a document is deemed to have been served on the fifth day after it was sent.

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

### Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Request Proceeding for the tenants;

- A copy of a residential tenancy agreement which was signed by the parties on March 17, 2013 for a tenancy beginning April 01, 2013 for the monthly rent of \$900.00 due on the 1st of the month; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on, September 08, 2013 with an effective vacancy date of September 18, 2013 due to \$900.00 in unpaid rent.

Documentary evidence filed by the landlord indicates that the tenants had failed to pay the full rent owed for the month of September. However the landlord has only named one of the tenants on the 10 Day Notice to End Tenancy.

The landlord has provided a proof of service document for the 10 Day Notice and has stated that this Notice was served upon the tenant by posting it to the door but omits the day it was posted on the door.

### Analysis

I have reviewed all documentary evidence and find that there are two tenants named on the tenancy agreement and both these tenants have signed the tenancy agreement. Only one of the tenants has been named on the 10 Day Notice to End Tenancy; however, both tenants are named on this Application for Direct Request Proceedings. As the landlord has not named the other tenant on the 10 Day Notice.

In addition to this under the Direct Request process the landlord is required to provide proof of the actual date the tenant was served with the 10 Day Notice. The landlord has only stated September, 2013 and has not provided a day of the month that service took place. Consequently, I cannot proceed with the landlord's application for Direct Request due to this issue and I dismiss the landlord's application.

Conclusion

This application is dismissed without leave to reapply. The landlord is at liberty to serve a new Notice to End Tenancy on the tenants.

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: October 04, 2013

---

Residential Tenancy Branch

