



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR MNR

### Introduction

This hearing proceeded 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 for unpaid rent and a Monetary Order for unpaid rent.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 21, 2013, at 10:00 p.m. the Landlord personally served, J.H., someone other than the Tenant, with the Notice of Direct Request Proceeding documents, at the rental unit address.

### Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession and a Monetary Order pursuant to section 55 of the *Residential Tenancy Act*?

### Background and Evidence

I have carefully reviewed the following evidentiary material submitted by the Landlord:

- A copy of the Proof of Service of the Notice of Direct Proceeding which indicates J.H. was served the documents and not the Tenant;
- A copy of a residential tenancy agreement which displays a different name for the Tenant than the named Respondent to this dispute and there is no date listed for when this tenancy began;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on, August 3, 2013, due to \$1,425.00 in unpaid rent which names a tenant that has a different name than the signatory to the tenancy agreement.

### Analysis

The proof of service document submitted by the Landlord indicates the Landlord served someone other than the Tenant, a person by the name of J.H., with the Notice of Direct Request in person at the rental unit address. However, no information was provided to describe who this J.H. person is such as: this person is an adult residing with the Tenant.

Furthermore, The Landlord has submitted an application for dispute resolution and a 10 Day Notice to end tenancy naming a respondent / tenant who has a different first name than the Tenant listed as the signatory to the tenancy agreement and addendum.

Upon consideration of the above mentioned inconsistencies I find this application does not meet the requirements of the Direct Request Process and the application is hereby dismissed.

### Conclusion

The Landlord's application is HEREBY DISMISSED, without leave to reapply.

The 10 Day Notice issued August 3, 2013, is HEREBY CANCELLED and is of no force or effect.

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 26, 2013

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Residential Tenancy Branch

