



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR, MNR

Introduction

This landlord applied for an Order of Possession and Monetary Order for unpaid rent under the Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the "Act").

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 17, 2013 the landlord served the tenant with the Notice of Direct Request Proceeding via registered mail sent to the rental unit. The landlord provided a Canada Post receipt and tracking number as evidence of service.

The landlord has submitted this Application on the ground rent is owing for the month of September 2013. I note that the tenancy agreement provides that the tenancy was for a fixed term set to expire June 30, 2013 and that at the end of the fixed term the tenant would vacate the rental unit. Based upon what was provided by the landlord, I find there is insufficient information to determine whether the tenant continues to reside in the rental unit, whether the tenant is over-holding, or whether the parties entered into a new tenancy agreement.

Since the Direct Request process is based upon written submissions of the landlord only, it is critical that sufficient information be provided to the Arbitrator. It is not in keeping with fairness that I make any inference or assumptions with respect to missing information. In these circumstances, I dismiss the landlord's application with leave to reapply for 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: September 24, 2013

Residential Tenancy Branch

