



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction and Background

This non-participatory matter was conducted by way of a 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 landlords for an order of possession for the rental unit due to unpaid utilities and for a monetary order for unpaid utilities.

In addition to other documentary evidence, the landlords submitted a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”), which listed an amount allegedly owed by the tenants for unpaid utilities only.

Analysis and Conclusion

Section 55 (4) (b) of the Act allows a landlord to apply through the direct request process for an order of possession for the rental unit and a monetary order in relation to instances of non-payment of rent by the tenant.

Although section 46 (6) of the Act allows a landlord to treat unpaid utilities as unpaid rent in allowing the landlord to issue a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, the direct request process is an expedited process and is for non-payment of rent only.

As the landlords’ application was for unpaid utilities and not non-payment of rent, I dismiss the landlords’ application, with leave to reapply 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* and is being mailed to both the applicants and the respondents.

Dated: November 14, 2013

Residential Tenancy Branch

