



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes OPR, MNR

### Introduction and Preliminary Matter

This non-participatory, ex parte 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 landlord for an order of possession for the rental unit and a monetary order for unpaid rent, pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice").

The landlord submitted two signed Proofs of Service of the Notice of Direct Request Proceeding, dated *November 6, 2013*, which declares that on *November 15, 2013*, the landlord served each tenant with the Notice of Direct Request Proceeding, including the landlord's application, via registered mail.

The landlord provided a customer receipt showing the tenants' name and address, but did not provide the payment receipt which would verify the actual date the registered mail was sent.

### Analysis and Conclusion

The direct request procedure is based upon written submissions only. Accordingly, written submissions must be sufficiently clear and unambiguous in order to succeed.

While it is possible the landlord meant to state that the tenants were served the Notice of Direct Request Proceeding on *October 15, 2013*, I cannot make inferences or assumptions on written submissions only.

Therefore due to the contradictory dates listed on the landlord's Proofs of Service of the Notice of Direct Request Proceeding, I am unable to proceed on the landlord's application as I cannot determine the date upon which the tenants were served.

I dismiss the landlord's application with leave to reapply.

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 applicant and the respondents.

Dated: November 14, 2013

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Residential Tenancy Branch

