



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Sutton Advantage Property Management  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction and Preliminary Matter

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”), via the documentary submissions of the landlord, and dealt with an application for dispute resolution by the landlord for an order of possession for the rental unit due to unpaid rent and for a monetary order for unpaid rent, pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”).

In addition to other documentary evidence, the landlord submitted a Proof of Service relating to service of the 10 Day Notice, on which the landlord stated that the tenant was served the Notice via registered mail.

### Analysis and Conclusion

The direct request procedure is based upon written submissions only. Accordingly, written submissions must be sufficiently complete in order to succeed. One of the documents that must be submitted in order to qualify for the direct request procedure is proof that the tenant was served with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities.

In the case before me, the landlord listed the tracking number for the registered mail; however, the landlord failed to provide the receipt and tracking report as required by the Proof of Service form.

Without sufficient proof that the landlord properly served the tenant with the 10 Day Notice, I find the landlord’s application to be deficient as required by the Act.

I therefore 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 respondent.

Dated: December 04, 2013

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Residential Tenancy Branch

