



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This matter proceeded by way of 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 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 December 13, 2013, the landlord served the tenant with the Notice of Direct Request Proceeding via personal service.

Based on the written submissions of the landlord, I find that the tenant has been duly served with the Direct Request Proceeding documents.

Issues to be Decided

Is the landlord entitled to an order of possession?
Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Request Proceeding;
- A copy of a residential tenancy agreement which was signed by the parties on February 21, 2013, indicating that the tenant is obligated to pay \$ 775.00 in rent in advance on the first day of the month;
- A copy of the Tenant Ledger, indicating that at December 11, 2013 the tenant had not paid \$275 of the rent due November 1, 2013 and had not paid any rent due December 1, 2013;

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) dated December 6, 2013 for \$ 1,075.00 in unpaid rent due in the months of November and December 2013; and
- A copy of the Proof of Service of the Notice showing that the landlord served the Notice on the tenant by personal service on December 4, 2013.

Analysis

I cannot find that the tenant was served with the 10 Day Notice to End Tenancy, since the Notice is dated December 6, 2013 and the Proof of Service states that the tenant was served with the Notice on December 4, 2013, which is two days previously.

Conclusion

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*.

Dated: December 27, 2013

Residential Tenancy Branch

