



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SUTTON ADVANTAGE PROPERTY MGMT
and [tenant name suppressed to protect privacy]

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 for unpaid rent and a monetary order for unpaid rent.

In addition to other documentary evidence, the landlord submitted a Proof of Service document relating to service of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”), on which the landlord indicates that the tenant was served the 10 Day Notice via registered mail. The landlord did not include a registered mail receipt and the registered mail tracking report in evidence.

Preliminary Issue, Analysis and Conclusion

The Direct Request process is a mechanism that allows the landlord to apply for an expedited decision, with that the landlord must follow and submit documentation exactly as the *Act* prescribes; there can be no omissions or deficiencies with items being left open to interpretation or inference.

In this case, the landlord failed to provide a registered mail receipt and tracking report as indicated in bold on the 10 Day Notice Proof of Service document. Under these circumstances, **I dismiss** the landlord's application **with leave to reapply**. The landlord should not apply for a direct request proceeding unless all documents are completed in full and there are no documents which can be open to interpretation or inference. Therefore, the landlord may wish to submit a new application through the normal dispute resolution process which includes a **participatory hearing** unless the landlord submits all of the required documents in evidence.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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 4, 2013

Residential Tenancy Branch

