



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding H & M Rempel
and [tenant name suppressed to protect privacy]

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”), 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.

In addition to other documentary evidence, the landlord submitted a proof of service of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”), which indicates that on January 6, 2013, the landlord served the Notice personally to an unknown person.

The landlord provided no explanation as to the identity of the party accepting the Notice and it is not known if this unidentified party was an occupant residing with the tenant, the age of that party, or if this party was known to the tenant.

Analysis and Conclusion

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

The direct request process is based upon the landlord having served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities in accordance with section 88 of the Act. In order to qualify for the direct request procedure, the landlord must prove that the tenant received such a Notice. In this case, an unidentified party received the Notice.

I therefore find the landlord’s application for the dispute resolution under the direct request process to be deficient as required by the Act and 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*.

Dated: January 30, 2014

Residential Tenancy Branch

