



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Red Door Housing Society
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 and a monetary order for unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding; it declared that on January 22, 2014, the landlord served the tenant with the Notice of Direct Request Proceeding by registered mail.

Pursuant to Section 90 of the *Residential Tenancy Act* a document served in this manner is deemed to have been served five days later.

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

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a monetary order for unpaid rent and if so, in what amount?

Background and Evidence

The landlord submitted the following documents:

- A copy of the Proof of Service of the Notice of Direct Proceeding for the tenant;
- A copy of a residential tenancy agreement which was signed by the parties on September 30, 2013, providing for a monthly rent of \$1,164.00 due on the first day of the month; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on January 2, 2014 with a stated effective vacancy date of January 15, 2014, for \$498.12 in unpaid rent.

The policy guideline with respect to direct requests provides that the onus is on the landlord to provide the information necessary to make a decision on the direct request. The Guideline states that:

The landlord must provide, when making an application for dispute resolution, copies of:

- the tenancy agreement;
- documents showing changes to the tenancy agreement or tenancy, such as rent increases, or changes to parties or their agents;
- documents supporting the amount of rent due, such as rent ledger or receipt book;
- the 10-Day Notice to End Tenancy for Unpaid Rent (this is often considered proof that the tenant did not pay rent); and,
- proof that the landlord served the tenant with the 10-Day Notice to End Tenancy for Unpaid Rent.

In the application for dispute resolution the landlord stated that the tenant's current rent contribution is \$540.00. The landlord did not provide documents to show how that rent contribution was determined. In the absence of documentary evidence to show how the claimed rent has been determined, I find that this matter is not appropriate for a direct request proceeding. The matter will be rescheduled for a participatory hearing. Enclosed with this decision is a copy of the Notice of Hearing for the participatory hearing that will be conducted at the time and date stated on the Notice. The landlord must serve the tenant with a copy of this decision and with the enclosed Notice of Dispute Resolution Hearing within three days of the receipt of this decision.

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: February 11, 2014

Residential Tenancy Branch

