



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR

### Introduction

The landlord applied for an Order of Possession and a Monetary Order for unpaid rent under the Direct Request Procedure, pursuant to section 55(4) of the *Residential Tenancy Act* (the "Act").

The landlord submitted documentation indicating the landlord served the Notice of Direct Request Proceeding upon the tenant by posting it on the door of the rental unit on January 27, 2014. The landlord subsequently submitted a signed Proof of Service of the Notice of Direct Request Proceeding indicating the Notice of Direct Request Proceeding was served upon the tenant in person on January 27, 2014.

When a landlord posts the Notice of Direct Request Proceeding on the door of a rental unit the landlord is not entitled to request a Monetary Order. Based upon the inconsistent submissions of the landlord I find it unclear as to whether the landlord served the tenant with notification of this proceeding in person, or by posting, or both.

Upon review of the other documentation provided with this Application I note that the landlord is seeking an Order of Possession based upon a 10 day Notice to End Tenancy for Unpaid Rent that was issued on January 16, 2014. The 10 Day Notice indicates that rent of \$484.20 was payable as of January 15, 2014. In the details of dispute the landlord indicates that the tenancy commenced January 12, 2014 and that this amount is calculated as 20 days of rent for the period of January 12 - 31, 2014.

Upon review of the tenancy agreement, it is clear that the tenant is required to pay rent on the 1<sup>st</sup> day of every month; however, there is no indication on the tenancy agreement or any other documentation presented to me indicating that the parties agreed that the tenant would pay pro-rated rent for the month of January 2014 by January 15, 2014.

Since the Direct Request Procedure is based upon written submissions of the landlord only, the submissions must be sufficiently clear and unambiguous so that an Arbitrator may determine eligibility for the remedies sought by the landlord. Due to the inconsistencies with respect to serve of the Notice of Direct Request and lack of evidence concerning the requirement to pay pro-rated rent by January 15, 2014, I find

the landlords submissions are not sufficiently clear and unambiguous to proceed with this application. Therefore, it is dismissed with leave.

The landlord is at liberty to file another Application for Dispute Resolution and pursue further remedy by way of a participatory hearing.

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

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Residential Tenancy Branch

