



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding DORSET REALTY GROUP CANADA LTD  
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 which declares that on January 17, 2014 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 is 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 Proceeding for the tenant;
- A copy of a residential tenancy agreement which was signed by the parties on July 4, 2012, indicating a monthly rent of \$1,100.00 due on the first day of the month; A copy of notice of rent increase, dated April 11, 2013, increasing the monthly rent to \$1,140.00, effective August 1, 2013.and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on January 7, 2014, with a stated effective vacancy date of January 17, 2014, for \$2,552.00 in unpaid rent.

Documentary evidence filed by the landlord indicates that the tenant had failed to pay all rent owed and was served the 10 Day Notice to End Tenancy for Unpaid Rent by, posting on the door.

### Analysis

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 as is the case before me.

The landlord served the tenant with the 10-Day Notice to End Tenancy by posting to the door. Under the Residential Tenancy Policy Guideline 39, a document served in this manner must be served with a witness to verify it was served. The witness may verify that the notice was served by signing the proof of service or by proving a witness statement that they saw the landlord deliver the document.

In this case, I find the landlord has failed to provide the verification as required by the direct request process. As a result, the landlord's application is dismissed with leave to reapply.

### Conclusion

The landlord's application is dismissed 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: February 06, 2014

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Residential Tenancy Branch

