



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes OPR, MNR

Introduction

This matter was conducted by way of a Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act* (the “Act”) in response to an application made by the landlord for an Order of Possession and a Monetary Order for unpaid rent.

Analysis

The Direct Request process is a mechanism that allows the landlord to apply for an expedited decision without a participatory hearing. As a result, the landlord must follow and submit documentation **exactly** as the Act prescribes and there can be no omissions or deficiencies within the written submissions that are left open to interpretation or inference. However, there exist a number of deficiencies with the landlord’s application that does not allow me to proceed with the Direct Request Proceeding.

- The landlord has provided an incomplete tenancy agreement which does not provide for the start date of the tenancy. Therefore I am unable to determine when the tenancy started.
- The landlord has provided a copy of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities which indicates that the rent outstanding relates to \$225.00 for December, \$525 for January, and \$525.00 for February. The total amount of outstanding rent payable by the tenant for these 3 months is \$1,275.00, which is the total amount documented by the landlord in the upper portion of the notice to end tenancy. However, the landlord writes on the notice that this total amount, which includes rent for February, was due on January 1, 2014. Therefore, the landlord has not made it clear what amount is being claimed and for which month this relates to.

- As part of the application the landlord is required to provide both pages of the two page 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. Page two of the notice provides information to the tenant about the landlord's right to seek an Order of Possession through the Direct Request process if the tenant does not respond to the notice. In the documents before me, the landlord has not provided page two of the notice to end the tenancy. In order for a legal notice to be valid and enforceable it must be complete.

Conclusion

For the above reasons, I am unable to proceed with the landlord's application through the Direct Request Proceeding. However, because an explanation to the above discrepancies may be addressed by both parties in a hearing, which the tenant is entitled to attend, I order that a participatory hearing take place.

Notices of the time and date of the participatory conference call hearing will be sent to each party, separately to this interim decision, by mail in due course.

Each party must serve the other and the Residential Tenancy Branch with any evidence that they intend to reply upon at the hearing. Fact sheets explaining evidence and service requirements are available on the Residential Tenancy Branch website address which is attached to this decision. If either party has any questions or does not receive participatory hearings papers, they may contact an Information Officer with the Residential Tenancy Branch using the contact numbers on the next page.

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 20, 2014

Residential Tenancy Branch

