



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Petisa Enterprises Ltd.  
and [tenant name suppressed to protect privacy]

## **INTERIM DECISION**

### **Dispute Codes**

OPR, MNR

### **Introduction**

This matter was conducted by way of Direct Request Proceeding, pursuant to Section 48(4) of the *Manufactured Home Park Tenancy Act* (the "Act"), and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession and a Monetary Order.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on March 11, 2014, at 2:27 p.m., the Landlord's agent served the Tenant with the Notice of Direct Request Proceeding by leaving the documents with the Tenant at the rental site.

Based on the Landlord's written submissions, I find that the Tenant has been served with the Direct Request Proceeding documents.

### **Issue(s) to be Decided**

Is the Landlord entitled to an Order of Possession and 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;
- A copy of the Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent;

- A copy of a manufactured home site tenancy agreement between the parties indicating a monthly rent of \$334.00 due on the first day of the month. The agreement is signed by the Tenant, but not by the Landlord; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on March 5, 2014, with a stated effective vacancy date of March 15, 2014, for \$425.00 in unpaid rent.

Documentary evidence filed by the Landlord indicates that rent for the month of March in the amount of \$387.00 remains unpaid, together with an outstanding balance of \$38.00 for the month of February, 2014. The documentary evidence indicates that the Landlord's agent served the 10 Day Notice to End Tenancy for Unpaid Rent by leaving the document with the Tenant on March 5, 2014, at 2:39 p.m. The Proof of Service document is signed by a witness.

The Tenant did not apply to dispute the Notice to End Tenancy within five days from the date of service.

### **Analysis**

A Direct Request is a limited expedited procedure for obtaining an Order of Possession when a tenant has not paid rent or utilities. A landlord may also request a monetary order limited to the amount of outstanding rent and utilities with justification and evidence to support the amount due. The Decision is made on written documentation only. For this reason, applications processed through the Direct Request procedure must have all required supporting documentation attached.

In this case, I find that the Landlord did not provide sufficient evidence with respect to the amount of rent that is owed (for example, a copy of a valid Notice of Rent Increase confirming that the current rent is \$387.00). Therefore, I cannot make findings with respect to the validity of the Notice to End Tenancy.

I adjourn this matter to a participatory Hearing so that questions can be asked and answered with respect to the current rent. Two copies of a Notice of Reconvened Hearing accompany this Interim Decision. The Landlord must serve the Tenant with a copy of the Notice of Reconvened Hearing in accordance with the provisions of Section 82 of the Act within 3 days of receipt of this Interim Decision.

### **Conclusion**

This matter is adjourned to a participatory Hearing, to the date and time noted on the enclosed Notice of Reconvened Hearing. **The Landlord must serve the Tenant with the Notice of Reconvened Hearing in accordance with the provisions of Section 82 of the Act within 3 days of receipt of this Interim Decision.**

This interim decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: March 21, 2014

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Residential Tenancy Branch

