



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Concert Realty Services Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This matter proceeded by way of an *ex parte* 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 based on unpaid rent and a monetary Order.

The landlord did not complete any of the Proof of Service for the Notice of Direct Request Proceeding. He only copied a Canada Post Tracking Number for a registered mail package and attached it to the blank Notice of Direct Request Proceeding. Under these circumstances, I find that the landlord has not fulfilled the requirements of section 89 of the *Act*, which require a party to properly notify a respondent of an application for dispute resolution. As the landlord has not demonstrated service of the Notice of Direct Request Proceedings, including a copy of the landlord’s application for dispute resolution, I dismiss the landlord’s application with leave to reapply.

In coming to this finding, I also note that there were other significant deficiencies in the landlord’s application. For example, the address cited on the application for dispute resolution did not match with the address on the 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) or the Residential Tenancy Agreement, submitted as part of the landlord’s written evidence. The landlord also provided conflicting evidence as to the date when the 10 Day Notice was posted on the tenant’s door, variously reported by the landlord as February 8, 2014 and February 11, 2014. Should the landlord choose to submit a new application for dispute resolution, these inconsistencies would also need to be addressed.

Conclusion

I dismiss the landlord’s application for dispute resolution 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: March 03, 2014

Residential Tenancy Branch

