



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction and Preliminary Matter

This non-participatory matter was conducted by way of a direct request proceeding, pursuant to section 55(4) of the Residential Tenancy Act (the "Act"), via the documentary submissions of the landlord only, and dealt with an application for dispute resolution by the landlord for an order of possession for the rental unit due to unpaid rent and for a monetary order for unpaid rent, all pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice").

In addition to other documentary evidence, the landlord submitted a tenancy agreement signed by the parties that did not list a day in the month upon which monthly rent is due.

Analysis and Conclusion

The direct request procedure is based upon the landlord's written submissions only. Accordingly, written submissions must be sufficiently complete and in compliance with the requirements of the Act in order to succeed. One of the documents that must be submitted in order to qualify for the direct request procedure is a tenancy agreement stating upon which day of the month rent is due as required under section 13 (2)(f)(v) of the Act.

In this case I find the landlord's tenancy agreement to be deficient as I could not determine from the parties' tenancy agreement that rent was due on April 1, 2014, as listed in the landlord's 10 Day Notice to End Tenancy for Unpaid Rent.

As described above, I therefore find the landlord's application under the direct request proceeding to be deficient as required by the Act and Regulations and I therefore I dismiss the landlord's application with leave to reapply.

The landlord should not apply for a direct request proceeding unless all documents are prepared in accordance with the Act and Regulations. Therefore, the landlord may wish to submit a new application through the normal dispute resolution process which includes 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* and is being mailed to both the applicant and the respondents.

Dated: April 29, 2014

Residential Tenancy Branch

