



# Dispute Resolution Services

Page: 1

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 and a monetary order for unpaid rent, 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 copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, which references unpaid rent for April 2014, in an amount greater than the tenant’s monthly rent obligation under the written tenancy agreement, also submitted by the landlord. The landlord also submitted an incomplete and undated notice of a rent increase, which reflects the landlord’s attempted increased rent listed on the Notice.

### Analysis and Conclusion

The direct request process is a mechanism that allows the landlord to apply for an expedited decision, which requires that the landlord must submit documentation sufficiently clear and self-evident; there can be no omissions or deficiencies with items being left open to interpretation or inference.

The landlord’s application for dispute resolution states that the tenant failed to pay rent for September 2013, and the landlord’s evidence shows that the landlord is seeking to end the tenancy due to alleged unpaid rent for April 2014.

On the face of the documentary submissions of the landlord and as I am not able to question the landlord, I cannot determine for which month the landlord is claiming the tenant failed to pay monthly rent.

As described above, due to the contradictory information contained in the landlord's application, I find the landlord's application under the direct request proceeding to be unclear and insufficient and I therefore I dismiss the landlord's application.

The landlord is, however, at liberty to reapply and submit a new application through the normal dispute resolution process which includes a participatory hearing, for the purpose of explaining for which monthly rent is alleged to be unpaid and as to whether or not the notice of rent increase is valid.

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 respondent.

Dated: April 29, 2014

---

Residential Tenancy Branch

