



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding OJ REALTY & PROPERTY MANAGEMENT INC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR

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 only of the landlord, and dealt with an application for dispute resolution by the landlord for an order of possession for the rental unit, pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”).

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on May 23, 2014, the landlord served the tenant with the Notice of Direct Request Proceeding, including the landlord’s application, by attaching it to the tenant’s door.

Analysis and Conclusion

The direct request procedure is based upon written submissions only. Accordingly, written submissions must be sufficiently complete and error free in order to succeed. One of the documents that must be submitted in order to qualify for the direct request procedure is proof that the respondent/tenant was served notice of the application for dispute resolution pursuant to section 89 of the Act.

The documentary evidence of the landlord shows that the tenant would not yet have been served with the landlord’s application under the direct request procedure, as the date of this Decision is May 22, 2014.

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 as the landlord has not proven the date of the service of the application for dispute resolution as required and I therefore I dismiss the landlord’s application 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* and is being mailed to both the applicant and the respondent.

Dated: May 22, 2014

Residential Tenancy Branch

