



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DIRECT REQUEST DECISION**

Dispute Codes OPR, MNR

### Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order for rental arrears owed.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on, May 22, 2014 at 5:30 and 5:45 the landlord served one tenant with the Notice of Direct Request Proceeding in person and the other tenant by posting the package on the door..

Based on the written submissions of the landlord, I find that the tenants have been served with the Dispute Resolution Direct Request Proceeding documents.

### Issue(s) to be Decided

Is the landlord is entitled to an Order of Possession and a monetary Order for rental arrears owed based on the Ten-Day Notice to End Tenancy 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 and Proof of Service of the Ten-Day Notice, verifying service to the tenant,
- A copy of a residential tenancy agreement which was signed by the parties on September 17, 2012, confirming that the rent is \$1,250.00.00 per month, due on the first day of each month.

However, no copy of *the 10 Day Notice to End Tenancy for Unpaid Rent* was in the landlord's file as evidence.

In the details of the application, the landlord indicates the tenant had only paid part of the rent owed for March and paid no rent for April 2014 accruing arrears of \$1,900.00.

The landlord is claiming monetary compensation in this amount and seeking an Order of Possession based on a 10-Day Notice to End Tenancy for Unpaid Rent.

### Analysis

The landlord has the burden of proving that the tenant was served with the 10 day Notice to End Tenancy and I find that the a copy of the proof of service verified that a 10-Day Notice to End Tenancy for Unpaid Rent was served in person on May 15, 2014.

However, I find that there is no copy of this 10-Day Notice to End Tenancy for Unpaid Rent in the landlord's Direct Request Proceeding file.

This was an application to proceed by way of Direct Request Proceeding, pursuant to section 55(4) of the Act. The Fact Sheet containing directions and the requirements to apply for a resolution under this section states that the following mandatory documentation must accompany the Application:

- **Copy of the 10 Day Notice to End Tenancy**
- Copy of the Tenancy Agreement
- Proof of Service of the 10 Day Notice to End Tenancy

Given the above, due to the fact that key evidentiary documents are missing from the file, I find insufficient evidence to support the landlord's application for an Order of Possession or monetary order based on the Ten Day Notice to End Tenancy..

Accordingly I hereby dismiss this application with leave to reapply.

### **Conclusion**

The landlord is not successful in the Direct Request application, and it is dismissed 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: May 28, 2014

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Residential Tenancy Branch

