



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PRINCE GEORGE METIS HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR

Introduction

This matter proceeded by way of 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 for unpaid rent and a monetary order for unpaid rent.

In addition to other documentary evidence, the landlord submitted a tenancy agreement in which the dispute address listed on the Application for Dispute Resolution does not match the rental unit address listed on the tenancy agreement or the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”). Furthermore, the landlord submitted a Proof of Service document related to the 10 Day Notice which is missing the name of the person personally served on April 14, 2014, and whether that person resided at the rental unit address. The Proof of Service document reads in part “Left it with a adult male family member”.

Preliminary Issue, Analysis and Conclusion

The Direct Request process is a mechanism that allows the landlord to apply for an expedited decision, with that the landlord must follow and submit documentation exactly as the *Act* prescribes; there can be no omissions or deficiencies with items being left open to interpretation or inference.

In this case, the landlord submitted a tenancy agreement in which the dispute address listed on the Application for Dispute Resolution does not match the rental unit address listed on the tenancy agreement or the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”). Furthermore, the landlord submitted a Proof of Service document related to the 10 Day Notice which is missing the name of the person personally served on April 14, 2014, and whether that person resided at the rental unit address. Section 88(e) of the *Act* states a document can be served “by leaving a copy

at the tenant's residence with an adult who apparently resides with the tenant", however, the landlord fails to provide the name of the person served and whether they reside at the rental unit address and by indicating, "Left it with a adult male family member", is insufficient information.

Given the above, **I dismiss** the landlord's application **with leave to reapply**. Firstly, I am unable to determine if the tenant was properly served with the 10 Day Notice. Secondly, the landlord has indicated a dispute address in their Application for Dispute Resolution which does not match the rental unit address on the tenancy agreement, or the tenant's address listed on the 10 Day Notice.

The landlord should not apply for a direct request proceeding unless all documents are completed in full and there are no documents which can be open to interpretation or inference. Therefore, the landlord may wish to submit a new application through the normal dispute resolution process which includes a **participatory hearing**.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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 6, 2014

Residential Tenancy Branch

