



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR

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 proof of service document related to the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”) that is dated and served on June 1, 2014.

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 proof of service document related to the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”) that is dated on June 1, 2014 for rent that is due on June 1, 2014. The landlord is premature in this application. The rent was due on June 1, 2014 and a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities cannot be issued on the day the rent is due. The landlords’ application is **not** appropriate for a direct request proceeding as submitted. Under these circumstances, **I dismiss** the landlord’s application **with leave to reapply**. 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. Given the above, the landlord will need to serve a new 10 Day Notice and provide a new proof of service document for the 10 Day Notice, as the 10 Day Notice cannot be served before the rent is overdue.

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*.

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: June 16, 2014

Residential Tenancy Branch

