



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

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 landlords submitted in evidence only one of two pages of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”), and are seeking an amount for rent which is greater than what is listed in the tenancy agreement. The landlord failed to provide documents which support that a Notice of Rent Increase was served on the tenants in accordance with the *Act*.

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 failed to include page two of the two-page 10 Day Notice dated May 30, 2014. In addition, the landlord failed to provide supporting documentation such as a Notice of Rent Increase to explain why rent of \$1,700.00 is being claimed, when the tenancy agreement indicates that the monthly rent is \$1,650.00.

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. Therefore, the landlord may wish to apply through the normal dispute resolution process, which includes a **participatory hearing**, as this application is not

suitable for the direct request process. I also note that the landlord requested the recovery of the filing fee, which cannot be requested through the direct request process.

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: June 20, 2014

Residential Tenancy Branch

