



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction and Preliminary Matters

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 and a monetary order for unpaid rent, pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”).

The landlord’s application requested monetary compensation of \$1,125.00; however, the landlord application itself did not provide a detailed calculation of the claim; rather, the landlord stated on the application itself that the tenant, has failed to pay rent “for 4 months”. The months for which the arrears are being claimed are not identified.

Analysis

The direct request procedure is based upon written submissions only. Accordingly, written submissions must be sufficiently complete and must comply with the requirements of the Act in order to succeed. One of the requirements of an application for dispute resolution is for the applicant to provide sufficient particulars to fully explain their application.

I find that the application submitted by the landlord does not include sufficient details with respect to the rental arrears, including the specific months to which the arrears are applicable and how much rent went unpaid for each month in question. I find that this information is not included in the “Details of Dispute” section on the application form, nor did the landlord include a tenant ledger to show the payment history to confirm what the claim for arrears is based on.

Due to the above, the landlord’s application is being refused, pursuant to section 59(5)(a) of the *Residential Tenancy Act (Act)*, because the application for dispute resolution did not provide sufficient particulars of their claim for compensation, as is required by section 59(2)(b) of the *Act*.

In applying for a Direct Request proceeding, the landlord should ensure all documents are prepared and submitted in accordance with the Act and Regulations.

Therefore, the landlord is at liberty to reapply. However, the landlord may wish to submit a new application through the normal dispute resolution process which includes a participatory hearing to fully explain and support their monetary claim.

Conclusion

The landlord's application is refused.

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: July 17, 2014

Residential Tenancy Branch

