



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act (Act)*, and dealt with an Application for Dispute Resolution by the landlord for an order of possession and a monetary order due to unpaid rent. A participatory hearing was not convened.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on June 27, 2014 at 11 p.m. the landlord served the tenant with the Notice of Direct Request Proceeding both in person and by registered mail. Section 90 of the *Act* states a document sent by mail is deemed served on the 5<sup>th</sup> day after it is mailed.

Based on the written submissions of the landlord, I find that the tenant has been sufficiently served with the Dispute Resolution Direct Request Proceeding documents pursuant to the *Act*.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent and to a monetary order for unpaid rent, pursuant to Sections 46, 55, 67, and 72 of the *Act*.

### Background and Evidence

The landlord submitted the following documentary evidence:

- A copy of a residential tenancy agreement which was signed by the parties on November 27, 2013 for a 1 year fixed term tenancy beginning on December 1, 2013 for the monthly rent of \$1,450.00 due on the 1<sup>st</sup> of each month and a security deposit of \$725.00 was paid; and
- A copy of a photograph of a 10 Day Notice to End Tenancy for Unpaid Rent that is insufficiently clear to be able to read the details of the document.

### Analysis

Direct Request proceedings are conducted when a landlord issues a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities and the tenant(s) has not filed an Application for Dispute Resolution seeking to cancel the Notice within 5 days of receiving the Notice. The proceeding is conducted *ex parte* and based solely on the paperwork provided by the applicant landlord.

Because the hearing is conducted without the benefit of having a participatory hearing in which I might question either of the parties if something is unclear in the paperwork all documents submitted must be complete and clear.

In the case before me, I find that due to the lack of clarity obtained in the photocopy of the photograph of the 10 Day Notice to End Tenancy the landlord's Application is not suitable to adjudicate through the Direct Request process, as is.

### Conclusion

Base on the above, I dismiss this Application for Dispute Resolution in its entirety with leave to reapply either through a participatory hearing or through the Direct Request process if the landlord can provide a clear copy of the 10 Day Notice to End Tenancy that was issued by the landlord.

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 10, 2014

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Residential Tenancy Branch

