



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession.

The Landlord submitted signed Proof of Service documents of the Notice of Direct Request Proceeding which declares that on July 18, 2013 [sic], at 10:00 a.m. the Landlord served the Tenant with the Notice of Direct Request Proceeding by posting them to the Tenant's door.

Issues to be decided

Does the Landlord's application meet the requirements to be proceed through a Direct Request process?

Background and Evidence

I have carefully reviewed the following evidentiary material submitted by the Landlord:

- A copy of the Landlord's application for Dispute Resolution listing the Landlord's name with a different spelling than how it is listed on the other evidence;
- A copy of the Proof of Service of the Notice of Direct Proceeding for the Tenant that indicates the documents were served on July 18, 2013;
- A copy of a residential tenancy agreement; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on, July 3, 2014, with an effective vacancy date listed as July 16, 2014, due to \$2,460.00 in unpaid rent that was due on July 1, 2014.

Documentary evidence filed by the Landlord indicates that the Tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent on July 3, 2014, at 10:30 a.m. when it was posted to the Tenant's door.

Analysis

The Direct Request procedure is based upon written submissions only and requires that the submissions be sufficiently clear, valid and supported by evidence in order to succeed.

As noted above, the Landlord submitted an application for Dispute Resolution which lists the Landlord's name with a different or incorrect spelling from how the name is spelled on other documents submitted into evidence.

In addition to the contradictory spelling of the Landlord's name, the Landlord submitted a signed proof of service document which indicates the document was signed in 2013 and that service was conducted in 2013. The documents were not created until July 2014; therefore, they could not have been served in 2013.

Based on the aforementioned I find there to be too many inconsistencies or inaccurate information to proceed through the direct request process. Therefore, I dismiss the Landlord's application with leave to reapply.

Conclusion

I HEREBY DISMISS the Landlord's application, with leave to reapply.

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 25, 2014

Residential Tenancy Branch

