



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 \$12,300; however, the landlord application itself did not provide a detailed calculation of the claim; rather, the landlord stated on the application itself that someone, presumably the tenant, has failed to pay rent since November 2013 and the landlord is seeking “lost rent until August”. The tenant’s monthly rent listed on the written tenancy agreement provided by the landlord is \$700.

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, in this case, a monetary claim of \$12,300.

The monetary claim of the landlord does not correspond to the landlord’s explanation. In other words, if the tenant has failed to pay rent since November 2013, that amount would be \$5600 through June 2014, the month the Notice was issued to the tenant.

A landlord is not allowed to seek further unpaid rent beyond the month listed on their Notice in a direct request proceeding.

The other evidence of the landlord, which appeared to be some rough form of a ledger sheet, was unclear and confusing due to the many handwritten notations throughout the document.

Due to the above, the landlord's application is being refused, pursuant to section 59(5)(a) of the *Residential Tenancy Act (Act)*, because their 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*.

The landlord should not apply for a direct request proceeding unless all documents are prepared 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* and is being mailed to both the applicant and the respondent.

Dated: July 17, 2014

Residential Tenancy Branch

