



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding GILBERT PLACE
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction and preliminary matter

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”).

In addition to other documentary evidence, the landlord submitted a copy of the Notice, which listed unpaid rent due as of “Jun or Jan” 1, 2014.

Analysis and Conclusion

The direct request procedure is based upon written submissions only. Accordingly, written submissions must be sufficiently correct and must comply with the requirements of the Act in order to succeed. There can be no deficiencies with the written submissions.

Section 46 of the Act allows a landlord to give notice to a tenant to end a tenancy if rent is unpaid on any day after the day it is due.

According to the landlord’s application, the tenant failed to pay rent of \$900 due on July 1, 2014; however, the 10 Day Notice upon which their application is based mentions that the unpaid rent was due on “Jun or Jan” 1, 2014. It was not possible for me to determine whether the middle letter of the month was a “u” or an “a”. Additionally, the written tenancy agreement also supplied by the landlord shows that monthly rent is due on the 31st day of the month, not the 1st day of the month.

As described above, I therefore find the date listed on the landlord’s Notice due for unpaid rent conflicts with their application and documentary evidence.

I therefore find the landlord's application to be deficient as required by the Act, as there is no hearing to clarify inconsistencies or conflicts between the evidence and the application.

I therefore find the landlord's application cannot succeed under the direct request process and I dismiss the landlord's application with leave to reapply. If the landlord wishes to proceed on the Notice supplied, they may wish to submit a new application through the normal dispute resolution process which includes a participatory hearing.

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 22, 2014

Residential Tenancy Branch

