



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ELIZABETH MANOR
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR

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 for unpaid rent and a Monetary Order for unpaid rent.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 12, 2014, the Landlord served each Tenant by registered mail. Copies of the Canada Post receipts were provided in the Landlord's evidence. Based on the submissions of the Landlord I find that each Tenant was deemed served notice of this proceeding on August 17, 2014, five days after they were mailed, pursuant to section 90 of the Act.

Issue(s) to be Decided

Does this application meet the requirements of the Direct Request process?

Background and Evidence

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

- A copy of the Proof of Service of the Notice of Direct Proceeding which indicates each Tenant was served notice of this proceeding by registered mail;
- A copy of a residential tenancy agreement signed by all parties, listing the Landlord as E.M., for a fixed term tenancy that began on April 1, 2012 that switched to a month to month tenancy after March 31, 2013 for the monthly rent of \$700.00;

- A Notice of Rent Increase that stipulates the rent was increased from \$700.00 to \$715.00 effective June 1, 2014;
- A copy of the Landlord's Application for Direct Request indicating the Landlord's name to be E.M. and a Monetary Order Worksheet which shows the Landlord's name as B.E.;
- A 10 Day Notice issued August 2, 2014 indicating the Landlord's name is B.E. issued due to \$740.00 in unpaid rent that was due August 1, 2014;
- A notation on the application form which indicates the Tenant owes \$25.00 from July 2014 plus \$715.00 from August 2014 rent; and
- A copy of a Mutual Agreement to end tenancy that was signed by both parties to end the tenancy effective July 31, 2014.

Analysis

The Direct Request procedure is provided under section 55(4) of the Act for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent and is based upon written submissions only. Therefore, the Direct Request process requires that the submissions be sufficiently clear, valid and supported by evidence in order to succeed.

Based on the above, I cannot consider evidence that pertains to reasons for ending the tenancy other than the reason of unpaid rent. Accordingly, the Mutual Agreement to End Tenancy provided in the Landlord's evidence, has no merit to support this application filed through the Direct Request process.

The 10 Day Notice issued August 2, 2014 and the Monetary Order Worksheet submitted by the Landlord indicates the Landlord's name is B.E.; which is a different landlord name than the name of E.M. that is listed on the tenancy agreement and this Application for Direct Request process.

Upon consideration of the above mentioned inconsistencies I find this application does not meet the requirements of the Direct Request Process and the application is hereby dismissed.

Conclusion

The Landlord's application is HEREBY DISMISSED, without leave to reapply.

The 10 Day Notice issued August 2, 2014, is HEREBY CANCELLED and is of no force or effect.

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: August 18, 2014

Residential Tenancy Branch

