



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR

Introduction

This matter proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the “Act”), and dealt with an Application for Dispute Resolution by the landlords for an order of possession for unpaid rent and a monetary order for unpaid rent.

In addition to other documentary evidence, the landlords submitted a proof of service document that is dated on August 2, 2014, indicating that the 10 Day Notice dated August 2, 2014 was served by registered mail on August 2, 2014, although the registered mail receipt is dated August 1, 2014.

Preliminary Issue, Analysis and Conclusion

The Direct Request process is a mechanism that allows the landlord to apply for an expedited decision, with that the landlord must follow and submit documentation exactly as the *Act* prescribes; there can be no omissions or deficiencies with items being left open to interpretation or inference, or be contradictory.

In this case, the landlords submitted a proof of service document that is dated on August 2, 2014, indicating that the 10 Day Notice dated August 2, 2014 was served by registered mail on August 2, 2014, although the registered mail receipt is dated August 1, 2014. As a result, I am not satisfied that the 10 Day Notice was served as claimed given that the date of the registered mail receipt contradicts the information provided by the landlords as it is not possible to mail a document before the document is created. Under these circumstances, **I dismiss** the landlords’ application **with leave to reapply**, due to the service issue described above.

The landlords should not apply for a direct request proceeding unless all documents are completed in full and there are no documents which can be open to interpretation or inference, or are contradictory.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: September 3, 2014

Residential Tenancy Branch

