



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 landlord submitted a proof of service document that is dated September 23, 2014 which does not indicate that copies of all supporting documents were served on the tenants. Furthermore, the landlord has applied for a monetary order of \$800.00, yet has requested \$1,600.00 in their monetary order worksheet even though the monetary worksheet indicates “Amount claimed should be equal to or less than the amount on the 10 Day Notice to End Tenancy.” As the amount listed on the 10 Day Notice dated September 9, 2014 is \$800.00 the amount of the landlord’s claim listed on the monetary order worksheet of \$1,600.00 is contradictory.

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 landlord submitted a proof of service document that is dated September 23, 2014 which does not indicate that copies of all supporting documents were served on the tenants. Furthermore, the landlord has applied for a monetary order of \$800.00, yet has requested \$1,600.00 in their monetary order worksheet even though the monetary worksheet indicates “Amount claimed should be equal to or less than the amount on the 10 Day Notice to End Tenancy.” As the amount listed on the 10 Day

Notice dated September 9, 2014 is \$800.00 the amount of the landlord's claim is contradictory.

Under these circumstances, **I dismiss** the landlords' application **with leave to reapply**, as I am not satisfied that the tenants were served with a copy of all supporting documents in support of this application by the landlord.

In addition, 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. The landlord's application as submitted is not suitable for the Direct Request process. As a result, the landlord may wish to submit an application through the normal dispute resolution process which includes a participatory hearing.

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 30, 2014

Residential Tenancy Branch

