



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR, MNR

Introduction

The landlords applied for an Order of Possession and a Monetary Order for unpaid rent under the Direct Request Procedure, pursuant to section 55(4) of the *Residential Tenancy Act* (the "Act").

The landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 26, 2014 the landlords sent the Notice of Direct Request Proceeding and supporting documents to the tenant by registered mail using the rental unit address. The landlords provided a registered mail receipt, including tracking number, as proof of service.

By way of this application, the landlords assert that the tenant failed to pay rent for the month of August 2014. However, the residential tenancy agreement provided for my review indicates the parties had a fixed term tenancy for the period of April 1, 2013 through to March 31, 2014. The tenancy agreement further provides that at the end of the fixed term the tenancy would end and the tenant would vacate the rental unit.

Based on the written submissions of the landlords, I find I cannot proceed with the landlords' application under the Direct Request procedure for the following reasons:

1. The tenancy agreement indicates that the tenant would vacate the rental unit by March 31, 2014 yet the landlords are seeking unpaid rent for August 2014 and the landlords sent the registered mail to the tenant at the rental unit on August 26, 2014. I find these submissions inconsistent.
2. If in fact the tenant continues to reside at the rental unit as a tenant, the parties would have had to enter into another tenancy agreement, whether that be verbally or in writing, since the one provided to me expired as of March 31, 2014. I was not provided any other written tenancy agreement for consideration.

In light of the above, I dismiss the landlord's application with liberty to reapply for 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*.

Dated: September 16, 2014

Residential Tenancy Branch

