



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NPR LIMITED PARTNERSHIP
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 proof of service of the notice of direct request proceeding form, which contained inconsistent and confusing information. The landlord listed the tenant’s name as the person being served the notice of direct request proceeding and all supporting documents, but on another section of the form, the landlord stated that another person, not the tenant, was hand delivered a copy of those documents. On yet another section of the form, the landlord submitted that the tenant was served the documents by attaching them to the door, with no witness signature. On yet another section of the same form, the signature of the person serving the documents was included, but not the printed name. I must note that the signature was not legible.

Analysis and Conclusion

The direct request procedure is based upon written submissions only and there can be no omissions or deficiencies with items being left open to interpretation or inference. Accordingly, written submissions must be sufficiently clear and completed properly.

As the landlord’s evidence concerning the service on the tenant of the direct request proceeding and supporting documents, as required by section 89 of the Act, was unclear and contradictory as described above, I find the landlord’s application under the

direct request proceeding to be deficient as required by the Act and Regulations and I therefore I dismiss the landlord's application with leave to reapply.

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 11, 2014

Residential Tenancy Branch

