



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BROWN BROS. AGENCIES LTD.
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").

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 17, 2014, the landlord served the tenant with the Notice of Direct Request Proceeding by registered mail. Based on the written submissions of the landlord, I find that the tenant has been served with the Direct Request Proceeding documents.

Evidence and Analysis

I have reviewed all documentary evidence and accept that the tenant has been served with a 10 Day Notice to End Tenancy for Unpaid Rent, dated September 8, 2014, as declared and submitted by the landlord. The Notice stated "you have failed to pay rent in the amount of \$848 that was due on September 1, 2014."

Included with the documents provided by the landlord, a written tenancy agreement signed by the parties on March 18, 2010, for a tenancy start date of May 1, 2010, indicates that monthly rent was \$785; however the landlord failed to provide evidence to substantiate that the monthly rent had increased from \$785 to \$848 by way of all notices to increase the rent, if that was the case. The landlord did provide a notice of a rent increase, but this increase was apparently for the latest rent increase, as that notice indicated the monthly rent was \$830, being raised to \$848.

There was no proof that the landlord had increased the rent in the allowable amounts set under the Residential Tenancy Regulation up to the latest rent increase to \$848, to take effect on July 1, 2014.

The direct request procedure is based upon written submissions only and there can be no inferences or assumptions made with respect to the claim of the landlord. Among the documents that must be submitted in order to qualify for the direct request procedure is full substantiation of the monthly rent obligation.

As the landlord has failed to prove that the tenant's monthly rent had increased from \$785 to \$848, I find that the 10 Day Notice issued by the landlord does not meet the requirements of the Act as the landlord has failed to substantiate the amount listed.

Conclusion

Under these circumstances, I dismiss the landlord's application with leave to reapply.

The landlord should not apply for a direct request proceeding unless all documents are submitted in full.

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 29, 2014

Residential Tenancy Branch

