



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding REGENT PARK PINNACLE REALTY
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 application and 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, indicating that the tenant was served by hand delivery. This form requires that there be a confirmation of the delivery of the Notice, either by a witness or the person receiving the Notice. In this case, the landlord chose the section of the form for the tenant to sign confirming receipt; however, the confirmation signature allegedly of the tenant does not resemble the tenant’s signature as it appears on three other documents in the landlord’s evidence.

Analysis and Conclusion

The direct request procedure is based upon written submissions only. Accordingly, written submissions must be sufficiently complete and correct in order to succeed. One of the documents that must be submitted in order to qualify for the direct request procedure is completion of the form substantiating that the tenant was served with the Notice. In this case, the landlord submitted that the tenant signed acknowledging receipt of the Notice, when the signature is not that of the tenant. Therefore I find the landlord submitted insufficient evidence to substantiate that the tenant received the Notice.

As described above, I therefore 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: October 1, 2014

Residential Tenancy Branch

