



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 an *ex parte* 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 landlord for an Order of Possession based on unpaid rent and a monetary Order.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 21, 2014, the landlord sent the tenant the Notice of Direct Request Proceeding by registered mail. Although the landlord provided a fax of a photograph of the envelope containing this Notice, this document was for the most part illegible. I could not determine the Canada Post Tracking Number for this document which would be required in order to confirm this registered mailing. As the landlord has not supplied sufficient evidence to demonstrate that he has served the tenant with the Notice of Direct Request Proceeding containing a copy of the landlord's application for dispute resolution, I find that the landlord has not met the requirements of section 89 of the *Act*. As I am not satisfied that the landlord has met the requirements of section 89 of the *Act*, I dismiss the landlord's application with leave to reapply.

In reaching this decision, I also note that the copy of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) entered into written evidence by the landlord was also only partially legible. It would appear that this too is a photograph of the document. While some of the 10 Day Notice is legible, the amount identified as owing and the date on which this amount became owing was by no means clear.

In addition, the tenant rent ledger and the Monetary Order Worksheet entered into written evidence were very difficult to follow. Some of the items identified as owing appeared to have been for rent, others for utilities, and a proper record of payments made by the tenant and accepted by the landlord was not included in the documentation supplied by the landlord.

In dismissing this claim, I strongly recommend that unless the landlord is able to provide clear and legible documentation in a comprehensible format, he pursue any application with respect to this tenancy through the Residential Tenancy Branch's (the RTB's) participatory hearing process. Similar advice appears to have been provided to the landlord when he submitted his application for dispute resolution using the RTB's Direct Request Process.

Conclusion

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 03, 2014

Residential Tenancy Branch

