



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SUMMERLAND BEACH RV PARK  
and [tenant name suppressed to protect privacy]

## **DIRECT REQUEST DECISION**

Dispute Codes: OPR, MNR

### Introduction

This application proceeded by way of Direct Request Proceeding, pursuant to section 48(4) of the Act. The landlord seeks an Order of Possession and a monetary order for rental arrears based on a 10-Day Notice to End Tenancy for Unpaid Rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 19, 2014 at 6:34 p.m., the landlord served the tenant with the Notice of Direct Request Proceeding in person.

Based on the written submissions of the landlord, I find that the tenant has been served with the Dispute Resolution Direct Request Proceeding documents.

### Issue(s) to be Decided

Is the landlord is entitled to an Order of Possession for unpaid rent and a monetary Order for unpaid rent pursuant to sections 48 and 60 of the Act?

### Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding and Proof of Service of the Ten-Day Notice, verifying service to the tenant,
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on August 7, 2014 for \$696.38 in rental arrears for August 2014,
- A monetary worksheet showing that the tenant owes \$696.38 rental arrears for the month of August 2014, and
- A copy of a manufactured home site tenancy agreement which was signed by the parties on July 13, 2012, confirming that the rent was originally \$450.00 per month, due on the first day of each month.

- A copy of a Notice of Rent Increase increasing the rent as of April 1, 2014 to \$459.90 per month.

Documentary evidence filed by the landlord indicates that the tenant had failed to pay \$696.38.00 rent owed for the month of August and the landlord is seeking compensation in this amount and an Order of Possession based on the 10-Day Notice to End Tenancy for Unpaid Rent.

### Analysis

Based on the evidence before me, I find that the tenant was duly served with a Notice to End Tenancy for Unpaid Rent in person on August 7, 2014. The Notice states that the tenant has five days to pay \$696.38 rent for August to cancel the Notice.

The landlord's monetary worksheet also confirms that the tenant owes \$696.38 rent for the month of August 2014.

However the documents submitted by the landlord including the tenancy agreement and the Notice of rent increase, show that the monthly rental rate for the pad is \$459.90. I find that, based on the evidence submitted by the landlord, this the amount that would be charged for rent for the month of August. I find that there is no explanation provided in the landlord's monetary worksheet to support the claimed arrears of \$696.38 for August.

I find that the landlord has not supplied sufficient details that would permit me to make an informed decision with respect to the application seeking an Order of Possession and Monetary Order.

Given the above, I find that there is insufficient evidentiary support for the monetary amount being claimed and for the amount shown as owed for August on the 10-Day Notice to End Tenancy for Unpaid Rent. The Direct Request process is an *ex parte* proceeding that does not permit any participation by the other party and eliminates the possibility of providing additional information to the arbitrator when questions arise with respect to inconsistencies in the evidence or the claim.

Consequently I find that this matter may not proceed by way of a direct proceeding. I find that it is necessary to dismiss this application and I do so with leave for the landlord to reapply for a participatory hearing.

Accordingly, I hereby dismiss the application with leave to reapply.

### Conclusion

The landlord is not successful in the application seeking an Order of Possession and a Monetary Order and the application is dismissed with leave.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: September 05, 2014

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Residential Tenancy Branch

