



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DIRECT REQUEST DECISION

Dispute Codes: OPR, MNR

Introduction

This application proceeded by way of Direct Request Proceeding, pursuant to section 55(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 18, 2014 at 3:12 p.m., the landlord served the tenant with the Notice of Direct Request Proceeding by registered mail. Section 90 of the Residential Tenancy Act, (*the Act*), determines that a document is deemed to have been served on the fifth day after it was sent.

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 and a monetary order?

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding and Monetary Order Worksheet showing that the tenant failed to pay \$1,050.00 rent owed for June 2014 and \$1,050.00 rent owed for July 2014,
- A copy of the first page of a two-page 10 Day Notice to End Tenancy for Unpaid Rent issued on July 2, 2014 for \$2,100.00 accrued rental arrears, and
- A copy of a signed tenancy agreement which is not dated by either party

Evidence filed by the landlord the tenant failed to pay \$1,050.00 rent for both June and July 2014. The landlord seeks compensation and an Order of Possession.

Analysis

This is an application to proceed by way of Direct Request Proceeding, pursuant to section 74(2)(b) of the Act. The Fact Sheet containing directions and the requirements to apply for a resolution under this section states that the following mandatory documentation must accompany the Application:

- Copy of the 10 Day Notice to End Tenancy that was served on the tenant,
- Copy of a Tenancy Agreement signed and dated by landlord and tenant,
- Proof of Service of the 10 Day Notice to End Tenancy on the tenant.

I find that the landlord has failed to submit all of required information and documents above to enable me to proceed with a direct request decision. I find that the following evidence submitted by the landlord is incomplete:

- The package submitted by the landlord only includes a copy of the first page of the 10-Day Notice to End Tenancy for Unpaid Rent and is missing the second page, which must also be served on the tenant,
- The landlord has not submitted proof of service of the 10-Day Notice to End Tenancy for Unpaid Rent,
- The tenancy agreement is signed on the last page but not dated by either party.

Given the above, I find this matter cannot proceed through a Direct Request process and I therefore to dismiss this application with leave to reapply.

Conclusion

The landlord is not successful in the application due to insufficient evidence for a Direct Request proceeding and the application is therefore dismissed 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 17, 2014

Residential Tenancy Branch