



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 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 and a monetary order for unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding; it declared that on October 15, 2014 the landlord personally served the tenant with the Notice of Direct Request Proceeding.

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

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a monetary order for unpaid rent and if so, in what amount?

Background and Evidence

The landlord submitted the following documents:

- A copy of the Proof of Service of the Notice of Direct Proceeding for the tenant;
- A copy of a residential tenancy agreement which was signed by the parties on October 14, 2014, apparently providing for a two week fixed term tenancy that commenced on September 1, 2014 and ended on September 15, 2014, with rent in the amount of \$275.00; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on October 8, 2014 with a stated effective vacancy date of October 18, 2014, for \$275.00 in unpaid rent.

The landlord's address in this proceeding is the same address as the rental unit. The tenancy agreement contains a provision that: "Tenant must provide own personal care products and laundry so"

Analysis and conclusion

The tenancy agreement provided that the tenancy was for a two week term that had already passed before the tenancy agreement was signed. I am not satisfied on the evidence that this is a residential tenancy and not a short stay vacation rental. As well, on the evidence it appears that the tenant is sharing bathroom or kitchen facilities in the rental unit with the landlord, who may be the owner of the rental unit.

I have determined that this is not an appropriate matter for a direct request proceeding because of the unanswered questions that relate to my jurisdiction under the *Residential Tenancy Act*. I dismiss the landlord's application for an order for possession and a monetary order with leave to reapply. If there is a further application it must be brought as a participatory hearing and not as a direct request.

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 27, 2014

Residential Tenancy Branch

