



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ECER CONSTRUCTION SURVEYS LTD.
and [tenant name suppressed to protect privacy]

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 for unpaid rent and a monetary order for unpaid rent.

In addition to other documentary evidence, the landlord provided insufficient details to explain why the amount of \$1,360.00 was being requested when monthly rent is \$900.00 per month, and included a 10 Day Notice that was dated on the same date as rent was due.

Preliminary Issue, Analysis and Conclusion

The Direct Request process is a mechanism that allows the landlord to apply for an expedited decision, with that the landlord must follow and submit documentation exactly as the *Act* prescribes; there can be no omissions or deficiencies with items being left open to interpretation or inference.

In the matter before me, and in addition to other documentary evidence, the landlord provided insufficient particulars to explain why the amount of \$1,360.00 was being requested in unpaid rent when monthly rent is only \$900.00 per month. In addition, the landlord issued a 10 Day Notice that was dated on the same date as rent was due, which was September 1, 2014. As rent was due on September 1, 2014, the earliest the 10 Day Notice could be dated would be September 2, 2014.

Under these circumstances, **I dismiss** the landlord's application **with leave to reapply**. **I cancel** the 10 Day Notice as it was dated before rent was due. The landlord should not apply for a direct request proceeding unless the application is clear regarding the monetary amount being claimed, including for which month(s) rent is being claimed, or

portions thereof, and that all documents are completed in full and there are no documents which can be open to interpretation or inference. Therefore, the landlord may wish to submit a new application through the normal dispute resolution process which includes a **participatory hearing** as this application, as submitted, is not suitable for the direct request process. As the 10 Day Notice has been cancelled, the landlord is at liberty to serve a new 10 Day Notice.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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 10, 2014

Residential Tenancy Branch