



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 landlords for an order of possession and for a monetary order for unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on October 9, 2014, the landlord served the tenant with the Notice of Direct Request Proceeding via registered mail. The Canada post tracking customer receipt was submitted as evidence.

Preliminary matter

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 this case, the landlord has submitted a sign tenancy agreement, which indicated rent in the amount of \$1,650.00 was payable on the 26th of each month. The 10 day notice to end tenancy submitted in evidence by the landlord stated that the tenant has failed to pay rent in the amount of \$1916.13, which was due on October 1, 2014.

The landlord has submitted various text messages, which show that it appears the parties have been attempting to renegotiate the day rent is due. However, no new tenancy agreement has been submitted as evidence. As a result, I cannot determine what, if any, rent is outstanding and I find the direct request process is not appropriate for this matter.

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Under these circumstances, I dismiss the landlord's application with leave to reapply. Therefore, the landlord may wish to submit a new application through the normal dispute resolution process which includes a participatory hearing.

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 20, 2014

Residential Tenancy Branch

