



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR MNR

### Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of 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.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on October 18, 2014, at 3:30 p.m. the Landlord served the Tenant by registered mail. An incomplete Canada Post tracking receipt was provided in the Landlord's evidence with a cash register receipt dated October 18, 2014 showing a time of 2:26 p.m.

### Issue(s) to be Decided

Does this application meet the requirements of a Direct Request Process?

### Background and Evidence

I have carefully reviewed the following evidentiary material submitted by the Landlord:

- A copy of the Proof of Service of the Notice of Direct Proceeding for the Tenant with an incomplete Canada Post tracking receipt;
- A copy of a residential tenancy agreement which was signed by all parties for a month to month tenancy that commenced on February 1, 2009, for the monthly rent of \$725.00 due in on the 1st of each month;
- One Notice of Rent Increase which indicates the Tenant's rent would be increased at a an amount of \$35.00 to \$800.00 effective June 1, 2012;
- An incomplete copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was signed September 25, 2014, that does not list an effective vacancy date and does not list the amount of rent outstanding or when it was; and
- A Proof of Service document which indicates the Landlord served the 10 Day Notice September 2, 2015 and that the Landlord signed the proof of service document on September 2, 2014, indicating the Tenant was personally served the 10 Day Notice to End Tenancy for Unpaid Rent on September 2, 2014.

### Analysis

The Direct Request procedure is based upon written submissions only and requires that the submissions be sufficiently clear, valid and supported by evidence in order to succeed.

Upon review of the foregoing, I find the evidence with respect to service of the Direct Request Documents, the current amount of rent that is payable, the 10 Day Notice, and service of the 10 Day Notice to be lacking as many were incomplete or in the case of the 10 Day Notice, issued and signed after they were allegedly served.

Based on the aforementioned I find that this application does not meet the requirements for the Direct Request process, and it is hereby dismissed.

### Conclusion

I HEREBY DISMISS the Landlord's application.

The 10 Day Notice signed September 25, 2014 is hereby cancelled and is of no force or effect.

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 24, 2014

---

Residential Tenancy Branch

