



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 which declares that on November 18, 2014, the landlord served the tenants with the Notice of Direct Request Proceeding via personal service with a witness.

Section 90 of the Act determines that a document served in this manner is deemed to have been received November 18, 2014.

Based on the written submissions of the landlord, I find that the tenants have been duly served with the Direct Request Proceeding documents.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Request Proceeding;
- A copy of the 1st and last pages of a residential tenancy agreement which was signed by the parties on March 7, 2014;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which the landlord served on the tenant on November 7, 2014 for \$1,600.00 in unpaid rent due on November 1, 2014.

- A copy of the Proof of Service of the Notice to End Tenancy showing that the landlord served the notice to end tenancy on the tenant by personal service with a witness on November 7, 2014.

The Notice restates section 46(4) of the Act which provides that the tenant had five days to pay the rent in full or apply for Dispute Resolution. The tenant did not apply to dispute the Notice to End Tenancy within five days from the date of service and the landlord alleged that the tenant did not pay the rental arrears.

Analysis

I have reviewed all documentary evidence submitted by the landlord and am not satisfied that the request for an order of possession and a monetary order for unpaid rent of \$1,600.00 from this direct request has been established. The landlord has failed to provide a complete copy of the signed tenancy agreement to clearly show what the monthly rent due. I cannot be certain as to what the monthly rent amount would be.

I find that the landlords have not met the onus placed on them of supplying documents that would prove the amount of rent owing (e.g. a signed tenancy agreement) in support of their application under the direct request process. I find that I am unable to consider their application by way of a Direct Request proceeding.

Under these circumstances, with this discrepancy that require more information, I dismiss this application with leave to reapply.

Conclusion

The landlord's direct request application is dismissed.

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: November 20, 2014

Residential Tenancy Branch

