



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes OPR, MNR

Introduction

This matter was conducted in response to a Landlord's Application for Direct Request (the "Application") for an Order of Possession and a Monetary Order for unpaid rent, pursuant to Section 55(4) of the *Residential Tenancy Act* (the "Act").

Evidence and Analysis

The Direct Request process is a mechanism that allows the Landlord to apply for an expedited decision **without** a participatory hearing and therefore the proceedings rely solely on valid and complete written documentation.

As a result, there can be no **omissions or deficiencies** within the written submissions that are left open to interpretation or inference. However, in this matter there exists deficiencies with the Landlord's Application that does not allow me to continue with the Direct Request proceeding.

The tenancy agreement provided by the Landlord does not stipulate the day in the month that rent is payable and there is no explanation provided to address this discrepancy. As a result, I would be unable to determine the validity of the Notice without having this information.

Page two of the Application provides the Landlord with essential information which a Landlord is required to read and consider **before** submitting the Application.

One of these requirements for the Direct Request process is that the tenancy agreement must stipulate the date that rent is payable. Therefore, I am unable to progress the Landlord's Application through the Direct Request Process.

Conclusion

For the above reasons, I am unable to proceed with the Landlord's Application through the Direct Request proceeding.

However, because this information may be supplied by both parties in a hearing which the Tenants are entitled to attend, I order that a participatory hearing take place.

Notices of the time and date of the participatory conference call hearing will be sent to each party, separately to this interim decision, by mail in due course.

Each party must serve the other and the Residential Tenancy Branch with any evidence that they intend to reply upon at the hearing. Fact sheets explaining evidence and service requirements are available on the Residential Tenancy Branch website address which is attached to this decision. If either party has any questions or does not receive participatory hearings papers, they may contact an Information Officer with the Residential Tenancy Branch using the contact numbers on the next page.

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: December 23, 2014

Residential Tenancy Branch

