



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 Proofs of Service of the Notice of Direct Request Proceeding; that declared that on December 14, 2014 the landlord personally served the tenants with the Notice of Direct Request Proceeding.

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

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a monetary order for unpaid rent and if so, in what amount?

Background and Evidence

The landlord submitted the following documents:

- Copies of the Proofs of Service of the Notice of Direct Proceeding for the tenant;
- A copy of a residential tenancy agreement which was signed by the parties on September 7, 2014, providing for a monthly rent of \$1,000.00 due on the first day of the month; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on November 18, 2014 with a stated effective vacancy date of November 29, 2014, for \$500.00 in unpaid rent and \$016.83 in unpaid utilities.

The landlord stated in a document submitted with the application for dispute resolution that she does not require an order for occupancy of the rental unit, but she was seeking an order to claim the amount of a monetary award from the security and pet deposits that she holds.

Analysis and conclusion

The Residential Tenancy Policy Guideline with respect to Direct Requests states that:

The Legislation limits the direct request process to applications for Orders of Possession and Monetary Orders concerning unpaid rent. Requests to keep the security deposit or for compensation for damages are considered through the conventional dispute resolution process.

The guideline goes on to say that:

The Residential Tenancy Branch may dismiss, with leave to reapply, an application made through the Direct Request process when a landlord:

- has not provided all the required documents with the application for dispute resolution;
- has not provided proof of service of the required documents; or
- has applied to recover the filing fee, retain the security deposit or for compensation other than the unpaid rent, in addition to the Order of Possession and unpaid rent

In this application the landlord has applied to recover a monetary award and she seeks an order to deduct the amount of the monetary award from the security and pet deposits. It also appears that the tenancy has ended because the landlord does not require an order for possession. The direct request process is not intended to be used in the circumstances of this application. Based on the quoted provisions of the Policy Guideline, I dismiss the landlord's application for a monetary order with leave to reapply. If a new application for dispute resolution is brought, it must be heard as 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: January 12, 2015

Residential Tenancy Branch

