



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This matter proceeded by way of an *ex parte* 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 based on unpaid rent and a Monetary Order.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 3, 2015, the landlord posted the Notice of Direct Request Proceeding to the tenant’s door. The landlord had a witness sign the Proof of Service of the Notice of Direct Request Proceeding confirm this service. Based on the written submissions of the landlord and in accordance with sections 89 and 90 of the *Act*, I find that the tenant has been deemed served with the Direct Request Proceeding documents on August 6, 2015, the third day after their posting.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent pursuant to sections 46 and 55 of the *Act*?

Is the landlord entitled to monetary compensation for unpaid rent pursuant to section 67 of the *Act*?

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Request Proceeding served to the tenant;

- A copy of a residential tenancy agreement which was signed by the landlord on January 21, 2015 and the tenant on January 20, 2015, indicating a monthly rent of \$810.00, due on the last day of the month for a tenancy commencing on February 1, 2015;
- A blank Monetary Order Worksheet; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) dated July 8, 2015, and posted to the tenant's door on July 8, 2015, with a stated effective vacancy date of July 31, 2015, for \$810.00 in unpaid rent.

Witnessed documentary evidence filed by the landlord indicates that the 10 Day Notice was posted to the tenant's door at 3:00 pm on July 8, 2015. The 10 Day Notice states that the tenant had five days from the date of service to pay the rent in full or apply for Dispute Resolution or the tenancy would end.

Analysis

In an *ex parte* Direct Request Proceeding, the onus is on the landlord to ensure that all submitted evidentiary material is in accordance with the prescribed criteria and that such evidentiary material does not lend itself to ambiguity or give rise to issues that may need further clarification beyond the purview of a Direct Request Proceeding. If the landlord cannot establish that all documents meet the standard necessary to proceed via the Direct Request Proceeding, the application may be found to have deficiencies that necessitate a participatory hearing, or, in the alternative, the application may be dismissed.

I note that the Monetary Order Worksheet provided by the landlord contains no information regarding the rent owing and paid during this tenancy and that this is a requirement under the Direct Request Proceeding.

I find that there is insufficient information on the Monetary Order Worksheet regarding rent owed which leaves open questions that cannot be clarified within the purview of this Direct Request process.

I therefore dismiss the landlord's application for an Order of Possession and a Monetary Order for rent owed for July, 2015 with leave to reapply. If the landlord so wishes, they are free to reapply under the Direct Request process, completing all required documents

Conclusion

I dismiss the landlord's application for an Order of Possession and a Monetary Order for rent owed for July 2015 with leave to reapply.

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: August 06, 2015

Residential Tenancy Branch

