



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPRM-DR, FFL

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 deals with an Application for Dispute Resolution filed by the Landlord seeking an order of possession and a monetary order based on unpaid rent (the “Application”).

In this type of matter, a landlord must prove they served the tenant with a notice of direct request proceeding with all the required inclusions indicated as per subsections 89(1) and (2) of the *Act* which permit service “by sending a copy by registered mail to the address at which the person resides...”

In this case, the Landlord submitted the following relevant evidentiary material:

- A copy of a residential tenancy agreement which was signed by the Landlord and the Tenants on May 9, 2020, indicating a monthly rent of \$1,000.00, due on the first day of each month for a tenancy commencing on June 1, 2020;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated November 9, 2020 (the “10 Day Notice”), for \$1,000.00 in unpaid rent. The 10 Day Notice provides that the Tenants had five days from the date of service to pay the rent in full or apply for dispute resolution or the tenancy would end on the stated effective vacancy date of November 22, 2020;
- A copy of a witnessed Proof of Service Notice to End Tenancy form which indicates that the 10 Day Notice was posted to the tenant’s door at 3:00 p.m. on November 9, 2020; and

- A Direct Request Worksheet showing the rent owing and paid during the relevant portion of this tenancy.

However, I find the Landlord did not provide documentary or other evidence to support a finding that the Landlord has served the Tenants with notice of the Application in accordance with section 89 of the *Act*. Therefore, I dismiss the Landlord's application for an order of possession and a monetary order for unpaid rent. As the Landlord was not successful in this Application, the Landlord's request to recover the filing fee is also dismissed. However, the Landlord is granted leave to reapply at a later date at the Landlord's' discretion. This is not an extension of any statutory deadline.

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 16, 2020

Residential Tenancy Branch