



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ALBINA APARTMENTS INC and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes OPRM-DR

### 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 filed by the Landlord for a monetary order for unpaid rent.

The Landlord submitted a signed Proof of Service - Notice of Direct Request Proceeding document which declares that the Landlord served the Tenant with the Notice of Direct Request Proceeding and supporting documents by leaving a copy with T.B. on January 28, 2021, which service was witnessed by P.W. Based on the written submissions and evidence of the Landlord and in accordance with sections 89 and 90 of the *Act*, I find the Tenant was served with and received these documents on January 28, 2021, the day they were given to T.B.

### Issue to be Decided

Is the Landlord entitled to a monetary order for unpaid rent pursuant to sections 46 and 67 of the *Act*?

### Background and Evidence

I have reviewed all written submissions and evidence before me; however, only the evidence and submissions relevant to the issues and findings in this matter are described in this decision.

The Landlord submitted 32 pages of documentary evidence which included a fact sheet, a copy of a signed residential tenancy agreement, written submissions, correspondence relating to by-law infractions, and statements regarding rents received.

The documents submitted by the Landlord did not include a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities.

### 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.

In this case, the Landlord did not submit a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, which is required under Policy Guideline #39 and forms the basis for a monetary order by Direct Request Proceeding.

I also note the Landlord did not submit a Proof of Service - Notice to End Tenancy or a Direct Request Worksheet, as required under Policy Guideline #39.

Accordingly, I find it appropriate in the circumstances to dismiss the Landlord's request for a monetary order for unpaid rent with leave to reapply.

### Conclusion

The Landlord's request for a monetary order for unpaid rent is dismissed 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: February 22, 2021

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Residential Tenancy Branch