



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR, MNR-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 dealt with an Application for Dispute Resolution by the landlord to obtain an Order of Possession based on unpaid rent, to obtain monetary compensation for unpaid rent, and to recover the filing fee paid for the application.

This decision is written based on the Application for Dispute Resolution, evidence, and submissions provided by the landlord on August 17, 2022.

The landlord submitted a signed Proof of Service Notice of Direct Request Proceeding which declares that on August 20, 2022 and on August 21, 2022, the landlord sent the tenant the Notice of Dispute Resolution Proceeding - Direct Request by registered mail to the forwarding address provided by the tenant. The landlord provided a copy of the Canada Post Customer Receipts containing the tracking numbers to confirm these mailings.

Based on the written submissions of the landlord and in accordance with sections 89 and 90 of the *Act*, I find that the complete Direct Request Proceeding package is deemed to have been received by the tenant on August 26, 2022, the fifth day after the latest registered mailing.

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*?

Is the landlord entitled to recover the filing fee for this application pursuant to section 72 of the *Act*?

Analysis

The landlord has requested an Order of Possession for the rental unit. However, the landlord has also submitted an audio recording and a letter indicating that the tenant moved out of the rental unit on July 31, 2022 and handed over the keys during the move-out inspection on August 1, 2022.

As the rental unit has already been vacated, I find that an Order of Possession is not required. For this reason, the landlord's application for an Order of Possession is dismissed without leave to reapply.

I also note that the purpose of a Direct Request Proceeding is primarily to regain possession of the rental property. If there is unpaid rent associated with an enforced 10 Day Notice, the landlord may subsequently be entitled to this compensation.

The Direct Request is not a venue to obtain faster resolution for strictly monetary claims. As an Order of Possession is not being considered for this Direct Request, I find that financial compensation is not appropriate.

For this reason, the landlord's application for a Monetary Order for unpaid rent is dismissed with leave to reapply.

As the landlord was not successful in this application, I find that the landlord is not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

I dismiss the landlord's application for an Order of Possession for unpaid rent without leave to reapply.

I dismiss the landlord's application for a Monetary Order for unpaid rent with leave to reapply through the participatory process.

I dismiss the landlord's application to recover the filing fee paid for this application, without 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: September 16, 2022

Residential Tenancy Branch