

DECISION

Dispute Codes OPR

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the Act).

Issue(s) to be Decided

The issue to be decided is whether the Landlord is entitled to an Order of Possession, pursuant to Section 55 of the Act. I have reviewed all documentary evidence submitted by the Landlord.

Background and Evidence

The Landlord submitted the following evidentiary material:

- A copy of a residential tenancy agreement which was signed by the Tenant and the Landlord on November 15, 2000. The tenancy agreement does not disclose a monthly rent, but provides that rent shall be determined as a percentage of income;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on June 4, 2009, with an effective vacancy date of June 16, 2009, for failure to pay rent in the amount of \$285.00 that was due on June 1, 2009;
- 2 copies of two different Proofs of Service of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities; and
- A copy of the Landlord's Application for Dispute Resolution, filed June 15, 2009.

The Landlord submitted a signed Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, which declares that the Landlord's agent served the Tenant

with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, by posting it on the Tenant's door at 2:00 p.m. on June 4, 2009.

The Landlord submitted another signed Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, which declares that the Landlord's agent served the Tenant with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, by posting it on the Tenant's door at 3:55 p.m. on June 15, 2009.

Analysis

The Landlord has applied for an Order of Possession which requires that the Landlord serve the Tenant with the Direct Request Proceeding documents, as set out under Section 89(2).

The Landlord did not submit a signed Proof of Service of the Notice of Direct Request Proceeding, and therefore the Landlord's application is dismissed with leave to re-apply.

Conclusion

The Landlord's application is dismissed with leave to re-apply.

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: July 6, 2009.
