



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

**Dispute Codes**     OPR, MNR, FF

### **Introduction**

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act*. The landlord applied for an order of possession, a monetary order and to recover the filing fee from the tenants for the cost of this application.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding, which declares that on March 25, 2011 the landlord served the tenants with notice of the direct request proceeding by personally serving the tenants, but has not specified in his documentation which of the two named tenants was personally served, or if they were each served personally.

### **Issue(s) to be Decided**

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent?

### **Background and Evidence**

The Landlord submitted the following evidentiary material:

- a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on March 16, 2011, with an effective vacancy date of March 26, 2011, for failure to pay rent in the amount of \$1,000.00 that was due on March 1, 2011;
- a copy of the Proof of Service of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, showing that the tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent by posting it to the tenants' door on March 16, 2011; and

- a copy of the Landlord's Application for Dispute Resolution, filed March 25, 2011.

### **Analysis**

I have reviewed all documentary evidence and I accept that the tenants have been served with the notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenants on March 19, 2011.

The landlord, however, has failed to provide a copy of a tenancy agreement to prove the rental amount that was agreed upon by the parties.

Further, in the documents submitted by the landlord in this application, the landlord has not provided page two of the notice to end tenancy. As part of an application, the landlord is required to serve to the tenant, and then submit as evidence in their application, both pages of the notice to end tenancy.

### **Conclusion**

The landlord's application is dismissed with leave to reapply. As the landlord's application was not successful, the landlord is not entitled to recovery of the filing fee for the cost of this application.

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: April 11, 2011.

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Residential Tenancy Branch