Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   OPR, MNR

Introduction

This proceeding was conducted by way of a **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 for an order of Possession and a monetary order for unpaid rent.

The landlord seeks:

1. Order of Possession; and
2. A monetary Order to recover unpaid rent and late fees.

The landlord submitted a 10 day Notice to End Tenancy which contains a request for rental arrears and late fees. As late fees are not considered rent I find that the Notice to End Tenancy is not valid and I dismiss the landlord's application for an Order of Possession based on that notice.

The landlord has also requested a monetary Order to recover the unpaid rent and late fees. As the Direct Request Process is to be used for rent arrears only this is not the correct process for this application. The landlord's claim for a monetary award is therefore 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: November 24, 2011.

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Residential Tenancy Branch