DECISION

Dispute Codes

OPR, MNR

Introduction

This matter was conducted by way of 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 submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on January 25, 2012, the Landlord served the Tenant with the Notice of Direct Request Proceeding by posting the document to the door at the rental unit. Service of documents in this manner is deemed to be effected 3 days after posting the documents.

Issue(s) to be Decided

Is the Landlord entitled to an Order of possession?

Is the Landlord entitled to monetary compensation for unpaid rent?

Background and Evidence

The Landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding for the Tenant;

- A copy of the Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent;

- A copy of a residential tenancy agreement which was signed by the parties on January 1, 2011, indicating a monthly rent of $950.00 due in advance on the twenty-first (21) day of the month for the following month; and

- A copy of page one of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on January 12, 2012, with a stated effective vacancy date of January 23, 2012, for $200.00 in unpaid rent and $390.00 in unpaid utilities.

Documentary evidence filed by the Landlord indicates that the Tenant has failed to pay all of the rent owed for January, 2012, and was served the 10 Day Notice to End Tenancy for Unpaid Rent by registered mail on January 13, 2012. The Landlord

provided a copy of the registered mail receipt and tracking number in evidence. The Act deems the Tenant was served on January 18, 2012.

Analysis

I dismiss the Landlord's application for an Order of Possession and Monetary Order for the following reasons:

1. The Landlord is applying for a Monetary Order, but did not serve the Tenant in accordance with the provisions of Section 89(1) of the Act. It is clear on the Proof of Service Form that posting is not a method that can be used if requesting a Monetary Order. Therefore the Landlord's application for a Monetary Order is dismissed.
2. The tenancy agreement states that rent is due in advance on the 21st of the month for the following month. The Notice to End Tenancy states that $200.00 was unpaid that was due on January 1, 2012. The tenancy agreement indicates that this tenancy started on January 1, 2012, and ends on January 30, 2012. If it was due on December 21, 2011 for the period of December 20, 2011 to January 20, 2012, and the tenancy was only for a month, then the tenancy would end on January 20, 2012.

The Direct Request Process is intended for simple, straightforward applications that stand on their own, without the necessity of asking questions of the parties. I find that the documents provided in support of the Landlord's application do not meet this test.

The Landlord's application is dismissed.

Conclusion

The Landlord's application is dismissed.

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: January 30, 2012.

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Residential Tenancy Branch