



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This non-participatory matter 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, based upon a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”), for an order of possession for the rental unit due to unpaid rent and for a monetary order for unpaid rent.

### Evidence and Analysis

Included in the written submissions of the landlord, a single Proof of Service of the Notice of Direct Request, listing both tenants, was provided.

Additionally, the landlord provided a tenancy agreement which was signed by the tenants, but not dated by them.

Most important of all, the landlord also provided a Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) which did not list the tenant being served.

The direct request procedure is based upon written submissions only. Accordingly, written submissions must be sufficiently complete in order to succeed. Documents that must be submitted in order to qualify for the direct request procedure is a fully completed copy of the tenancy agreement, dated by the parties, proof that a tenant was served with the 10 Day Notice, and proof that each tenant was served separately with the notice of the direct request proceeding.

As the landlord has not provided these documents in complete form, I find this application cannot proceed under the direct request process.

Conclusion

I hereby order that the 10 Day Notice to End Tenancy for Unpaid Rent, dated January 10, 2013, which is the subject of this application is without force or effect.

I hereby dismiss the landlord's application, without leave to reapply.

The landlord is at liberty to issue another 10 Day Notice to End Tenancy for Unpaid Rent to the tenants to request a telephone conference call hearing as the undated tenancy agreement prevents going under the direct request process.

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* and is being mailed to both the applicant and the respondents.

Dated: February 12, 2013

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Residential Tenancy Branch

