



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR

Introduction

This matter proceeded 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 landlords for an order of possession for unpaid rent and a monetary order for unpaid rent.

In addition to other documentary evidence, the landlords submitted a Proof of Service document for the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”) which includes the first name of a person other than the tenant served personally with the 10 Day Notice. Additional details about the person named on the Proof of Service document were not submitted by the landlords.

Preliminary Issue

The Direct Request process is a mechanism that allows the landlord to apply for an expedited decision, with that the landlord must follow and submit documentation exactly as the *Act* prescribes; there can be no omissions or deficiencies with items being left open to interpretation or inference.

In this matter, the Proof of Service document related to the 10 Day Notice indicates that a person other than the tenant was served with the 10 Day Notice. As there is not enough information included in the landlords’ evidence to clarify who that person is in relation to the tenant, **I dismiss** the landlord’s application **with leave to reapply**.

The landlord should not apply for a direct request proceeding unless all documents are provided in full. Therefore, the landlord may wish to submit a new application through the normal dispute resolution process which includes a participatory hearing. The landlords should not apply through the direct request proceeding unless all the necessary and relevant information has been provided.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: June 27, 2013

Residential Tenancy Branch