



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes

OPR, MNR

### Introduction

The landlord applied for an Order of Possession and a Monetary Order for unpaid rent under the Direct Request Procedure, pursuant to section 55(4) of the *Residential Tenancy Act* (the “Act”).

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding. Based upon the Proof of Service that was submitted, I find it was completed in such a way that it is unclear whether the landlord served the tenant with the Notice of Direct Request in person, by posting on the door, by both methods, or neither. In the details of dispute the landlord submitted that the tenant gave the landlord the keys to the rental unit on October 5, 2013, indicating she was leaving town for two weeks, but the tenant has not yet returned. Therefore, I find it unlikely the landlord served the tenant in person as she indicated on the Proof of Service dated November 12, 2013.

I also note that the tenancy agreement provided with the landlord's submission does not indicate a start date for the tenancy or whether the tenancy was on a periodic basis or fixed term.

As the Direct Request procedure is based upon written submissions of the landlord only, the submissions must be sufficiently clear and complete so that I am able to determine the landlord's entitlement to the remedies she is seeking without making assumptions.

I find the discrepancies in the landlord's written submissions and documentation leaves me unable to rely upon the documentation without seeking further clarification. Therefore, I do not proceed to consider this Application and it is dismissed with leave to reapply for a participatory hearing.

Before re-applying, I encourage the landlord to speak with an Information Officer with the Residential Tenancy Branch about the provisions of the Act and Regulations that deal with abandonment by a tenant.

Conclusion

The landlord's application was dismissed with leave to reapply for a participatory hearing.

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 20, 2013

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Residential Tenancy Branch

