



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”).

As the Direct Request Procedure is based upon the written submissions of the landlord only, the submissions must be sufficiently complete, clear and valid in order to succeed.

Upon review of the documentation provided for my review, I have determined that I cannot proceed with this application due to numerous inconsistencies in the landlord’s submissions, including:

1. The tenant’s signature appearing on the Proof of Service of Direct Request Proceeding is inconsistent with that which appears on the tenancy agreement and addendum.
2. The landlord signed the Application for Direct Request on August 18, 2014 which is on the same day the 10 Day Notice was served or prior to service of the 10 Day Notice, depending upon which submission is correct, as explained below.
3. The 10 Day Notice was issued by the landlord on August 6, 2014 although it is unclear as to what date the 10 Day Notice was served since the landlord indicated on the Application that it was served August 18, 2014 and on the Proof of Service of the 10 Day Notice the landlord and the witness indicated the 10 Day Notice was served on August 24, 2014.

In light of the above, I dismiss the landlord’s application with liberty to reapply for a participatory hearing.

Conclusion

The landlord's Application has been 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: September 19, 2014

Residential Tenancy Branch

