



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Prince George Metis Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction and preliminary matter

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”), via the documentary submissions only of the landlord and dealt with an application for dispute resolution by the landlord for an order of possession for the rental unit and a monetary order for unpaid rent, pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”).

In addition to other documentary evidence, the landlord submitted a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, which references alleged unpaid rent due on July 1, 2014, in the amount of \$2242. The landlord submitted further an incomplete monetary order work sheet, as the 2nd page of the 2 page form was a tenant ledger sheet, showing unpaid rent of \$2476. Additional documentary evidence received by the landlord was another copy of the same tenant ledger sheet stating that the Notice shows a different amount due to a “typo error.” It must be noted that the tenant ledger sheet shows alleged unpaid rent through August 2014, and not through July 2014, as would be reflected on the Notice.

The landlord submitted further documentary evidence showing that the original landlord had changed, and that a property manager, the applicant here, could have been the landlord’s agent; however, that was unclear as the notice to the tenants of a change in ownership showed the applicant’s name here was preceded by “???”.

Analysis and Conclusion

The direct request process is a mechanism that allows the landlord to apply for an expedited decision, which requires that the landlord must submit documentation sufficiently clear and self-evident; there can be no omissions or deficiencies with items being left open to interpretation or inference.

The landlord's application for dispute resolution states that the tenant failed to pay rent due on July 1, 2014; however, the landlord's own evidence, the tenant ledger sheet, shows that that amount would be different and they confirmed that the Notice was incorrect. I also could not conclude from the tenant ledger sheet whether the amount claimed was accurate as an opening balance was listed.

On the face of the documentary submissions of the landlord and as I am not able to question the landlord, I cannot determine that the 10 Day Notice is valid on the day it was issued. I also find that the landlord may have claimed on their application unpaid rent for August 2014, which was not listed on the Notice.

As described above, due to the contradictory information contained in the landlord's application and supporting evidence, I find the landlord's application cannot succeed under the direct request process and I dismiss the landlord's application with leave to reapply.

The landlord may wish to submit a new application through the normal dispute resolution process which includes a participatory hearing, for the purpose of explaining the deficiencies and inconsistencies of their documentary evidence.

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: September 9, 2014

Residential Tenancy Branch

