



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DIRECT REQUEST DECISION

Dispute Codes

OPR, MNR, MNSD, FF

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 74(2)(b) of the Act, and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on April 10, 2009 the landlord served each tenant with the Notice of Direct Request Proceeding in person.

Based on the written submissions of the landlord, I find the tenant has been duly served with the Dispute Resolution Direct Request Proceeding documents.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an Order of Possession for unpaid rent; to a monetary Order for unpaid rent; to keep all or part of the security deposit; and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to sections 38, 55, 67, and 72 of the *Residential Tenancy Act (Act)*. I have reviewed all documentary evidence submitted by the landlord.

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding

- A copy of a statement dated March 6, 2009 regarding \$800.00 rent for March 2009 and \$400.00 damage deposit paid by the tenant.
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent issued April 2, 2009 with a vacancy date of April 12, 2009 for \$800.00 in rental arrears.
- A copy of proof of service of the Ten-Day Notice

Analysis

This was an application to proceed by way of Direct Request Proceeding, pursuant to section 74(2)(b) of the Act. The Fact Sheet containing directions and the requirements to apply for a resolution under this section states that the following mandatory documentation must accompany the Application:

- Copy of the 10 Day Notice to End Tenancy
- Copy of the Tenancy Agreement
- Proof of Service of the 10 Day Notice to End Tenancy

I find that this application did not include a copy of a compliant tenancy agreement pursuant to section 13 of the Act and consequently I find that this matter may not proceed by way of direct proceeding. It is therefore necessary to dismiss this application, and I do so granting the landlord leave to reapply. The landlord is at liberty to make an application to pursue the matter through a regular conference hearing that would permit verbal testimony to be given regarding the specific terms of the tenancy agreement between the parties.

Conclusion

Having found that the landlord has not met the criteria specified, I am unable to proceed with the Direct Request Application and I dismiss the landlord's application with leave to reapply.

May 2009

Date of Decision

Dispute Resolution Officer