



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

### Dispute Codes

OPR, MNR, MNSD, FF

### Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 14, 2009 at 1920 hrs the landlord personally served both tenants with the Notice of Direct Request Proceeding at the rental unit address with a witness present. Pursuant to section 90(a) of the Residential Tenancy Act I deem the tenants to have been served on the day of personal delivery.

Based on the written submissions of the Landlord, I find the tenants have been duly served with the Dispute Resolution Direct Request Proceeding documents.

### Issues to be Decided

Is the landlord entitled to an Order of possession for unpaid rent?

May the landlord retain the deposit paid?

Is the landlord entitled to filing fee costs?

### Analysis

The landlord has submitted a residential tenancy agreement which indicates only the male tenant's name, yet the landlord has made a claim for compensation against two tenants. Further, the landlord has not provided a complete copy of the residential tenancy agreement as the agreement signature page is absent from the landlord's evidence.



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In the absence of a complete residential tenancy agreement I have determined that this application may not be considered via the Direct Request Proceeding process and that it be dismissed with leave to reapply. The landlord may chose to make application for a participatory hearing, or, supply a complete copy of the residential tenancy agreement with application for a Direct Request Proceeding.

## Conclusion

Having found that the landlord has failed to provide a complete copy of the residential tenancy agreement I have determined that this application be dismissed with leave to reapply.

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 23, 2009.

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Dispute Resolution Officer