



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

### Dispute Codes

OPR, MNR, 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 and a monetary order.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on November 23, 2009 the landlord served the tenant with the Notice of Direct Request Proceeding via registered mail sent to the rental unit address. The landlord received the Direct Request Proceeding package on November 23, 2009 and initiated service that day. Section 90 of the Residential Tenancy Act determines that a document is deemed to have been served on the fifth day after mailing.

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 and filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to sections 55, 67, and 72 of the *Residential Tenancy Act (Act)*. I have reviewed all documentary evidence.

### Proof of Service of 10 Day Notice to End Tenancy

The landlord submitted a copy of a financial record of rent owed and deductions made for what appears to have been work completed by the tenant for the landlord. The landlord has submitted copies of bills issued by the tenant for what appears to be labour charged to the landlord. The tenancy agreement submitted as evidence indicates that

the monthly rent is \$1,300.00 per month, due on the first day of each month. The tenancy agreement does not include any reference to an employment agreement forming part of the tenancy.

### Analysis

In the absence of the evidence of an employment relationship or any documentation that demonstrates the arrangement between these parties for deductions that may be made from rent owed I find that this application must be reconvened to a participatory hearing. At the participatory hearing the details of any employment arrangement may be clarified and the matter of any rent owed established.

### Conclusion

Having found that the landlord has failed to provide evidence of a possible employment agreement that exists as part of this tenancy I order that the direct request proceeding be reconvened in accordance with section 74 of the Act. Based on the foregoing, I find that a conference call hearing is required in order to determine the details of the tenancy and possible employment agreement so that rent owed may be clarified.

Notices of Reconvened Hearing are enclosed with this decision for the applicant to serve upon the tenant within **three (3) days** of receiving this decision in accordance with section 88 of the Act.

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: December 07, 2009.

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Dispute Resolution Officer