



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

OPR, MNR, FF

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (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 November 24, 2009 the landlord personally served the tenant with the Notice of Direct Request Proceeding at the rental unit at 1:05 pm. Section 90 of the Act determines that a document is deemed to have been served on the day of personal delivery.

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

Issue(s) to be Decided

Is the landlord entitled to an Order of possession?

Is the landlord entitled to monetary compensation for unpaid rent?

Is the landlord entitled to filing fee costs?

Preliminary Matter

The landlord submitted an Application for Dispute Resolution naming a tenant who does not exactly match that provided on the tenancy agreement or other documents submitted as evidence, some of which indicate different spelling of the name. The name indicated on the Application differs slightly from that provided on the evidence; although it is similar. As I am unable to amend the Application when considering a Direct

Request, I have determined that this Application must be reconvened to a participatory hearing so that the correct spelling of the tenant's surname can be established.

Conclusion

Having found that the landlord has included a tenant surname on the Application which differs from documents submitted as evidence, 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 accurate spelling of the tenant's surname and the basis of the Application.

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.

Dispute Resolution Officer