



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 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 January 12, 1020 the landlord personally served the tenant with the Notice of Direct Request Proceeding at the rental unit at 11:00 a.m. Section 90 of the Residential Tenancy 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 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, whether the landlord may retain the deposit and 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.

Background and Evidence

The landlord has submitted a copy of a tenancy agreement which fails to indicate the required standards terms as provided by section 13(2) of the Act. The Direct Request Proceeding process requires a landlord to submit a copy of the written tenancy agreement, which is required by section 13(1) of the Act.

The “rental contract” submitted as evidence does not include the following required terms:

- The landlord's service address and landlord phone number;
- The start date of the tenancy;
- The term of the tenancy;
- If a deposit was paid.

Analysis

In the absence of a tenancy agreement which includes all of the standard terms required by section 13(2) of the Act, I find that this application must be reconvened to a participatory hearing.

Conclusion

Having found that the landlord has failed to provide a copy of a tenancy agreement which includes all of the required standard terms, 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. 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: January 19, 2010.

Dispute Resolution Officer