



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 and a monetary order.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on February 16, 2010, the landlord served the tenant with the Notice of Direct Request Proceeding via registered mail sent to the rental unit address. The landlord provided a Canada Post receipt and tracking number as evidence of service. Section 90 of the Act determines that a document is deemed to have been served on the fifth day after service.

Based on the written submissions of the landlord, I find that the respondent 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?

Background and Evidence

The landlord has submitted a tenancy agreement which includes the name of the respondent, identifying him as an occupant of the rental unit. The portion of the Application which names the tenant has not been completed. The tenancy agreement has been signed by a tenant, but the name is illegible.

Analysis

As I am unable to identify the respondent named on the Application as the person who signed the tenancy agreement submitted as evidence, I cannot determine the name of the tenant. Therefore, I find that this Application is dismissed with leave to reapply.

The landlord is at liberty to reapply for dispute resolution. The landlord must be prepared to identify the tenant who has signed the tenancy agreement, to correctly name the tenant on the Application and to serve that individual with Notice of the hearing or Proceeding.

Therefore, I find, based on the absence of identifiable information related to the tenant, that this Application is dismissed with leave to reapply.

Conclusion

This Application is 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: February 24, 2010.

Dispute Resolution Officer