

## **DECISION**

Dispute Codes      OPR MNR 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 for unpaid rent, a Monetary Order for unpaid rent, and to recover the cost of the filing fee from the Tenant for this application.

In support of their claim the Landlord has submitted a copy of the Landlord's application and the 10 Day Notice to End Tenancy which was issued in the same Landlord's name however the tenancy agreement is between the Tenant and a different corporate Landlord. There is no evidence to support that the Landlord has changed names or purchased the rights to the tenancy agreement from the previous Landlord. Further there is no evidence that the applicant named in this proceeding has any authorization to act as the agent to the legal Landlord named in the tenancy agreement or that this authorization to act as the Landlord has been provided in writing to the Tenant.

A "**tenancy agreement**" means an agreement, whether written or oral, express or implied, between a landlord and a tenant respecting possession of a rental unit, use of common areas and services and facilities, and includes a licence to occupy a rental unit. I find that based on the above definition, oral terms contained in, or form part of, tenancy agreements and may still be recognized and enforced; however verbal tenancy agreements do not meet the requirements for a Direct Request Proceeding and that evidence must be submitted to prove that a tenancy agreement exists between the applicant and the respondent.

Decision

Based on the above I find that this application does not meet the requirements for the Direct Request process and I hereby dismiss the Landlord's application without leave to reapply.

Conclusion

I HEREBY DISMISS the Landlord's application without 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 08, 2010.

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Dispute Resolution Officer