



Dispute Resolution Services

Page: 1

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 Act, and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession and a Monetary Order for unpaid rent. The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on February 3, 2010 the Landlord served the Tenant in person and by registered mail with the Notice of Direct Request Proceeding. The address on the registered mail receipt is incomplete insofar as it is missing the unit number from the address. However, based on the Landlord's written submissions that the Tenant was also personally served, I find that the Tenant was served as required by s. 89 of the Act with the Dispute Resolution Direct Request Proceeding documents.

As part of the Direct Request proceeding, the Landlord is required to provide a copy of the Parties' tenancy agreement. The Landlord provided a document titled, "Application for Rent of a Suite" which it is not signed by the Landlord and as a result, I find that it constitutes only an unaccepted offer and does not constitute a tenancy agreement. The Landlord also provided a Proof of Service of the 10 Day Notice to End Tenancy dated February 2, 2010. However, according to the copy of the registered mail receipt this document was mailed on January 18, 2010. The Landlord also claimed that he posted a copy of the 10 Day Notice on the rental unit door however he did not provide witness information which is required as a part of the Direct Request Proceeding. As a result, I cannot conclude that the Tenant was properly served with the 10 Day Notice.

Conclusion

Consequently, I order that the direct request proceeding be reconvened in accordance with section 74 of the Act so that further information can be obtained about the terms of the tenancy and the service of the 10 Day Notice to End Tenancy. Notices of Reconvened Hearing are enclosed with this decision for the Applicant to serve upon the Tenants 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: February 18, 2010.

Dispute Resolution Officer