



# 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 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 received the Direct Request Hearing packages on January 13, 2010. Section 59(3) of the Act says that a person who makes an application for dispute resolution must give a copy of the application to the other party **within 3 days** of making it. The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on January 20, 2010, he served the Tenant with the Notice of Direct Request Proceeding via registered mail. I find that the Applicant did not serve the Direct Request proceeding documents within the time limits required by the Act and provided no explanation why they could not be served within those time limits.

RTB Rule of Procedure 10.4 states (in part) that a Dispute Resolution Officer may require an agent to provide proof of his or her appointment to represent a party. The copy of the tenancy agreement provided by the Applicant names another party as the Landlord and a further party as an authorized agent of the Landlord. The Applicant provided no evidence to indicate that he is either an authorized agent of the Landlord or that the rights of the Landlord under the tenancy agreement have been assigned to him. The Applicant further indicated on his application that there were rent arrears for November 2009 in the amount of \$675.00 which is in contradiction to the terms of the tenancy agreement which says that effective December 2008 rent is \$650.00 per month.

### Conclusion

Given that the Direct Request Proceeding documents were not served within the time limits required under s. 59(3) of the Act and that there is no evidence that the Applicant is authorized to bring the application on behalf of the Landlord named in the tenancy agreement, his 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 02, 2010.

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Dispute Resolution Officer