



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 submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on January 28, 2010 the Landlord served the Tenants by registered mail with the Notice of Direct Request Proceeding. Based on the evidence and written submissions of the Landlord, I find that the Tenants were 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 copy of the tenancy agreement provided by the Landlord, however, shows a different spelling of the surname of one of the Tenants which suggests that the application may have a typographical error. If this is the case, the Landlord must apply to amend his application so that any Orders that are issued have the correct spelling of the Tenants' names.

As part of the Direct Request proceeding, the Landlord is also required to provide evidence to support a rental rate that is different from the amount set out in the tenancy agreement. In his application, the Landlord seeks rent arrears based on various rental rates (ie. \$800.00 and \$830.00) although the amount set out in the tenancy agreement is \$700.00.

Conclusion

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 proper spelling of the Tenants' names and the amount of rent in arrears. 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*.



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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.

Dispute Resolution Officer