



# 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 hearing proceeded by way of Direct Request Proceeding, pursuant to section 74(2)(b) of 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 March 17, 2010 the landlord served the tenant with the Notice of Direct Request Proceeding via registered mail sent to the rental unit address. Section 90 of the Residential Tenancy Act determines that a document is deemed to have been served on the fifth day after mailing.

Based on the written submissions of the Landlord, I find the tenant has been duly served with the Dispute Resolution Direct Request Proceeding documents.

### Issue(s) to be Decided

Is the landlord entitled to an Order of possession for unpaid rent?

Is the landlord entitled to a monetary Order for unpaid rent?

May the landlord retain the deposit paid in partial satisfaction of the monetary claim?

Is the landlord entitled to filing fee costs?

### Residential Tenancy agreement

The landlord submitted as evidence a copy of the tenancy agreement which has been initialed by two individuals on a number of the pages. However, the final page of the agreement where the parties are to sign, agreeing to the terms, has not been completed. Therefore, in the absence of a signed tenancy agreement I find that this

Application must be convened to a participatory hearing so that the details of the tenancy agreement may be established.

The direct request proceeding process requires submission of a signed residential tenancy agreement and, in the absence of a signed signature page, I find that the Application may not be considered via the direct request proceeding process.

### Conclusion

Having found that the landlord has failed to provide a copy of a signed residential tenancy agreement, I order that the direct request proceeding be reconvened in accordance with section 74 of the Act.

Based on the foregoing, I find that a conference call hearing is required in order to determine the details of service of the residential tenancy agreement and the balance of the Application. Notices of Reconvened Hearing are enclosed with this decision **for the applicant to serve upon the tenant 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: March 29, 2010.

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Dispute Resolution Officer