

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 48(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.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on March 10, 2010 at 1:00 p.m. the Landlord served the Tenant with the Notice of Direct Request Proceeding via registered mail. The Tenant is deemed to have received the Notice of Direct Request on March 15, 2010, five days after it was mailed, in accordance with section 83 of the Act. Based on the written submissions of the Landlord, I find that the Tenant has been served with the Dispute Resolution Direct Request Proceeding documents.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession and a Monetary Order for unpaid rent under section 48 of the *Manufactured Home Park Tenancy Act*?

Background and Evidence

I have carefully reviewed the following evidentiary material submitted by the Landlord:

- A copy of the Proof of Service of the Notice of Direct Proceeding for the Tenant;
- A copy of the park rules signed by the Tenant in her previous name on April 22, 1996;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on February 25, 2010, with an effective vacancy date of March 10, 2010 due to \$290.00 in unpaid rent.

Documentary evidence filed by the Landlord indicates that the Tenant was served a 10 Day Notice to End Tenancy for Unpaid Rent when the Landlord posted it to the Tenant's door on February 25, 2010 at 8:00 p.m. in the presence of witnesses.

Analysis

The Landlord has filed their application for dispute resolution through the direct request process without providing a copy of a written tenancy agreement. Although tenancy agreements are defined as 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; a verbal agreement does not meet the requirements of the direct request process. Therefore I adjourn this application to a conference call hearing.

Conclusion

I find that a conference call hearing is required in order to determine the merits of this Application for Dispute Resolution. Notices of Reconvened Hearing are enclosed with this decision for the Landlord. A copy of the Notice of Reconvened Hearing, this Interim Decision, the Application for Dispute Resolution, and any evidence that will be introduced at the hearing by the Landlord must be served upon Tenant, in accordance with section 82 of the *Act*, within **three (3) days** of receiving this decision.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(2) of the *Manufactured Home Park Tenancy Act*.

Dated: March 19, 2010.

Dispute Resolution Officer