

DECISION

Dispute Codes OPR MNR

Introduction

The Applicant has applied for an Order of Possession, a Monetary Order for unpaid rent and to keep the security deposit through the Direct Request Process.

Issues(s) to be Decided

Is the Applicant entitled to an Order of Possession for unpaid rent and a Monetary Order for unpaid rent under sections 55 and 72 of the *Residential Tenancy Act*?

Background and Evidence

In support of their claim the Applicant has submitted a copy of the application, a copy of a 10 Day Notice to End Tenancy and a copy of a tenancy agreement which is issued and signed by a Landlord name than that of the Applicant's name.

There is no evidence to support the Landlord has changed names or the Applicant purchased the rights to the tenancy agreement from the previous Landlord. Further, there is no evidence that the applicant named in this proceeding has any authorization to act as the agent to the legal landlord named in the tenancy agreement or that this or any authorization to act as the Landlord has been provided in writing to the Tenants.

Analysis

A “**tenancy agreement**” means 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. I find that based on the above definition, oral terms contained in, or form part of, tenancy agreements and may still be recognized and enforced; however verbal tenancy

agreements do not meet the requirements for a Direct Request Proceeding and evidence must be submitted to prove that a tenancy agreement exists between the Applicant and the Respondents.

Based on the above I find that this application does not meet the requirements for the Direct Request process and I hereby dismiss the application with leave to reapply.

Conclusion

I HEREBY DISMISS the Applicant's application, 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: April 12, 2010.

Dispute Resolution Officer