

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing proceeded 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 for unpaid rent, a Monetary Order for unpaid rent, and to recover the cost of the filing fee from the Tenants for this application.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on April 28, 2010 at 3:25 p.m. the Landlord served each Tenant, via registered mail, with the Notice of Direct Request Proceeding.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession for unpaid rent; to a Monetary Order for unpaid rent and to recover the cost of the filing fee, pursuant to sections 55 and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The Landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding for each Tenant however the surname listed for the male Tenant is spelled differently than the surname listed for the male Tenant on the application for dispute resolution.
- A copy of page 1, 3, and 5, of a residential tenancy agreement which lists the Landlord's first name spelled differently than what is listed on the application for dispute resolution, does not provide the page which stipulates the amount of rent that is payable and when, nor is page 6 provided so there is no proof that the Tenants signed this tenancy agreement.
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on February 22, 2010, with an effective vacancy date of February 28, 2010, due to \$900.00 in unpaid rent that was due on February 17, 2010.

Documentary evidence filed by the Landlord indicates that the Tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent when the Landlord served the female Tenant on February 22, 2010, at 7 p.m. in the presence of a witness.

Analysis

The Landlord has filed through the Direct Request process and is claiming for unpaid rent stating that the female Tenant has not paid rent since she moved into the unit, however there is no indication if or when the male Tenant has paid rent. There are

pages missing from the tenancy agreement therefore I cannot determine when the rent is payable and for what amount and I cannot determine if the tenancy agreement was signed by the parties. I also note that the male Tenant's surname and the Landlord's first name are spelled differently on some of these documents compared to what is listed on the application for dispute resolution. Based on the aforementioned I find that this application does not meet the criteria of a direct request proceeding.

Based on the foregoing, I find that a conference call hearing is required in order to determine the details of the Landlord's claim. Notices of Reconvened Hearing are enclosed with this decision for the Applicant Landlord and are required to be served to the Respondent Tenants by the Landlord.

Conclusion

I HEREBY 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 Tenants, in accordance with section 88 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(1) of the *Residential Tenancy Act*.

Dated: May 05, 2010.

Dispute Resolution Officer