

INTERIM DECISION

Dispute Codes OPR MNR

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 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 June 10, 2010 the Landlord served the Male Tenant with the Notice of Direct Request Proceeding via registered mail. Canada Post receipts were submitted in the Landlord's evidence. The Male Tenant is deemed to have been served the hearing package on June 15, 2010, five days after it was mailed in accordance with section 90 of the Act. Based on the written submissions of the Landlord, I find that the Male 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 pursuant to section 55 of the *Residential 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 Male Tenant;

- A copy of a residential tenancy agreement which was signed by a female listed in the tenancy agreement but not listed as a respondent on the Landlord's application for dispute resolution. The Male Tenant is listed as a respondent on the application and is listed as a tenant on the first page of the tenancy agreement; however he did not sign the tenancy agreement. The female signed the tenancy agreement on December 10, 2004, for a month to month tenancy beginning December 15, 2004, for the monthly rent of \$2,100.00 due on 1st of the month and a deposit of \$1,050.00 was paid on December 10, 2004; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued to the male Tenant on, June 2, 2010 with an effective vacancy date of June 12, 2010 due to \$4,200.00 in unpaid rent.

Documentary evidence filed by the Landlord indicates that an adult male occupant was served the 10 Day Notice to End Tenancy for Unpaid Rent personally on June 2, 2010 at 7:30 p.m. The male occupant signed the proof of service form acknowledging receipt of the 10 Day Notice.

Analysis

The Landlord has filed through the Direct Request process requesting an Order of Possession and a Monetary Order against a Male Tenant who has not signed the tenancy agreement, has not named the female tenant who did sign the tenancy agreement, and has served the 10 Day Notice to a male occupant who is not listed on the tenancy agreement. Based on the aforementioned I find that this application does not meet the criteria of a direct request proceeding and 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: June 16, 2010.

Dispute Resolution Officer