

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 Applicant submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 19, 2010 the Landlord served the Tenant, via registered mail, with the Notice of Direct Request Proceeding. A copy of the Canada Post receipt was provided in the Landlord's evidence. The Tenant is deemed to have been served on August 24, 2010, five days after it was mailed, in accordance with Section 90 of the Act.

Issue(s) to be Decided

Is the Applicant is entitled to an Order of Possession and a Monetary Order under section 55 of the *Residential Tenancy Act*?

Background and Evidence

The Applicant submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding for the Tenant ; and
- A copy of a residential tenancy agreement which lists two Landlords's who are different than what is listed on the Application for Dispute Resolution.
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on July 2, 2010, with an effective vacancy date of July 11, 2010, due to \$3,938.48 in unpaid rent that was due on July 2, 2010.

Documentary evidence filed by the Landlord indicates that the Tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent when the Landlord posted the Notice to the Tenant's door on July 2, 2010 at 11:00 a.m. in the presence of a witness.

Analysis

The Applicant has filed through the Direct Request process and 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 both of which were issued with different Landlord's names than that of the Landlords' names on the tenancy agreement. There is no evidence to support that the Landlord has changed names or the Applicant purchased the rights to the tenancy agreement from the previous Landlords. Further, there is no evidence that the applicant named in this proceeding has any authorization to act as the agent to the legal landlords named in the tenancy agreement or that this authorization to act as the Landlord has been provided in writing to the Tenant.

Based on the foregoing, I find that a conference call hearing is required in order to determine the details of the Applicants claim. Notices of Reconvened Hearing are enclosed with this decision for the Applicant Landlord and are required to be served to the Respondent Tenant 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: September 01, 2010.

Dispute Resolution Officer