



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes – OPR, MNR

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act (Act)*, and dealt with a landlord's Application for Dispute Resolution for an order of possession and a monetary order due to unpaid rent. A participatory hearing was not convened.

The applicant submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on December 23, 2010 the applicant served the tenant with the Notice of Direct Request Proceeding via registered mail. Section 90 of the *Act* states a document sent by mail is deemed served on the 5th day after it is mailed.

Based on the written submissions of the applicant, I find that the tenant has been served with the Dispute Resolution Direct Request Proceeding documents.

Issue(s) to be Decided

The issues to be decided are whether the applicant is entitled to an order of possession for unpaid rent and to a monetary order for unpaid rent, pursuant to Sections 46, 55, 67, and 72 of the *Residential Tenancy Act (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;
- A copy of a residential tenancy agreement which was signed by the tenant and another party on July 24, 2010 for a month to month tenancy beginning on August 1, 2010 for the monthly rent of \$750.00 due on the 1st of each month and a security deposit of \$375.00 was paid; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued by the applicant on December 2, 2010 with an effective vacancy date of December 12, 2010 due to \$700.00 in unpaid rent.

Documentary evidence filed by the applicant indicates that the tenant failed to pay the full rent owed for the month of December 2010 and that the tenant was served a 10 Day Notice to End Tenancy for Unpaid Rent when it was posted to the rental unit door on December 2, 2010 at 9:00 a.m. and that this service was witnessed by a third party.



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The Notice states that the tenant had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenant did not apply to dispute the Notice to End Tenancy within five days.

Analysis

I have reviewed all documentary evidence and note that the tenancy agreement names a complex and another person as landlord. The applicant has provided no documentation showing that he has authority to act on behalf of the landlords named in the tenancy agreement. As such, I find the application cannot be adjudicated through the direct request process.

Conclusion

For the reasons noted above, I dismiss the application in its entirety 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: January 05, 2011.

Residential Tenancy Branch