



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## 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 Applicant 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 January 18, 2011 the Applicant served the Tenant with the Notice of Direct Request Proceeding via registered mail. Canada Post receipts were submitted in the Applicant's evidence. The Tenant is deemed to have received the hearing package on January 23, 2011, five days after it was mailed, in accordance with section 90 of the Act. Based on the written submissions of the Applicant, I find that the Tenant was served with the Dispute Resolution Direct Request Proceeding documents.

### Issue(s) to be Decided

Is the Applicant 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:

- 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 a Landlord, who is different than the person named as the applicant in the dispute, September 1, 2009 for a month to month tenancy effective September 1, 2009, for the monthly rent of \$850.00 due on 1st of the month and a deposit of \$425.00 was paid on August 25, 2009; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued by the Landlord named in the tenancy agreement on, January 2, 2011 with an effective vacancy date of January 12, 2011 due to \$750.00 in unpaid rent.

Documentary evidence filed by the applicant indicates that the Tenant was served the 10 Day Notice to End Tenancy for Unpaid rent in person on January 2, 2011 as supported by the proof of service document which the Tenant signed acknowledging receipt of the Notice.

### Analysis

In support of their claim the Applicant has submitted a copy of the 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 Applicant's name. 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 and on the 10 Day Notice to End Tenancy or that this authorization to act as the Landlord has been provided in writing to the Tenant.

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 without leave to reapply.

### Conclusion

**I HEREBY DISMISS** the application, without 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 24, 2011.

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Residential Tenancy Branch