



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **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 June 10, 2011, the Landlord served the Tenant, via personal service, with the Notice of Direct Request Proceeding.

### Issue(s) to be Decided

Is the Applicant is entitled to an Order of Possession and a Monetary Order under sections 55 and 67 of the *Residential Tenancy Act*?

### Background and Evidence

The Applicant submitted the following evidentiary material, including:

- A copy of the Proof of Service of the Notice of Direct Proceeding for the Tenant ;
- A copy of a residential tenancy agreement which lists a Landlord who is 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 April 6, 2011, with an effective vacancy date of April 18, 2011, due to \$810.00 in unpaid rent that was due on April 1, 2011; and
- A copy of a receipt showing a payment of \$500.00 on May 13, 2011, and stating that the tenancy was not reinstated and that the receipt was on a "For Use and Occupancy Only" basis; and
- A tenant ledger sheet.

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 tenancy agreement, and a copy of the tenant ledger sheet, all of which were issued with different Landlord names. 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 Landlord. 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 above I find that this application does not meet the requirements for the Direct Request process and I hereby **dismiss** the Landlord's application with leave to reapply for a conference call hearing where a determination can be made in relation to the authorized and appropriate Landlord for going forth on an application.

Conclusion

Based upon the foregoing, **I HEREBY DISMISS** the Landlord's application 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: June 20, 2011.

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Residential Tenancy Branch