



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR, MNR

This matter was conducted by way of Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act* (the "Act"), and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession and a Monetary Order for unpaid rent.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding on the Tenant MM. The Proof of Service document declares that on May 21, 2011 at 10:00 a.m., the Landlord's agent served the Notice of Direct Request Proceeding on the Tenant MM by leaving the documents with the Tenant at the rental unit. The Landlord did not provide Proof of Service of the Notice on the Tenant AM.

The Landlord submitted a copy of the tenancy agreement in evidence. The tenancy agreement was signed by the Landlord and one of the Tenants on March 9, 2011. The Tenant's signature is illegible and therefore I cannot determine which of the two Tenants signed the Tenancy agreement. The Landlord did not provide any documentary evidence as to which of the Tenants signed the agreement. Therefore there is insufficient evidence that there is a tenancy agreement with both Tenants and that the Landlord served the correct Tenant with the Notice of Direct Request Proceeding.

Conclusion

The Landlord's application is dismissed 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: May 31, 2011.

Residential Tenancy Branch