

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* (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 each of the Tenants. One Proof of Service document declares that on June 24, 2011 at 9:20 a.m. the Landlord's agents served the Notice of Direct Request Proceeding on the Tenant EL by leaving the document with the Tenant at the rental unit. The other Proof of Service document declares that on June 24, 2011 at 9:20 a.m. the Landlord's agents served the Notice of Direct Request Proceeding on the Tenant LP by leaving the document with the Tenant at the rental unit. Based on the written submissions of the Landlord, I find that the Tenants were served with the Direct Request Proceeding documents pursuant to the provisions of Section 89(1)(a) of the Act.

Issue(s) to be Decided

- Is the Landlord entitled to an Order of Possession?
- Is the Landlord entitled to a Monetary Order for unpaid rent?

Background and Evidence

The Landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding upon each of the Tenants;
- A copy of the Proof of Service of the Notice to End Tenancy upon the Tenants;

- A copy of a residential tenancy agreement, which was signed by the Tenants on December 30, 2010, indicating a monthly rent of \$995.00 due on the last day of each month; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on June 14, 2011, with an effective vacancy date of June 19, 2011, for \$995.00 that was due on June 1, 2011.

The Landlord's Application for Dispute Resolution filed June 23, 2011, indicates that the Tenants owed rent in the amount of \$995.00.

The Landlord's documentary evidence indicates that the Tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent by posting the document to the Tenants' door on June 14, 2011 at 1:30 p.m. The Proof of Service document was signed by a witness.

Analysis

I have reviewed all documentary evidence. The Landlord named on the Application for Dispute Resolution filed on June 23, 2011, is not the landlord named in the tenancy agreement. The Landlord did not provide sufficient evidence that it is the Tenants' landlord, and therefore the Application is dismissed with leave to reapply.

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: July 18, 2011.

Residential Tenancy Branch