



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

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.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 29, 2011 at 4:35 p.m. the Landlord served the Tenant with the Notice of Direct Request Proceeding in person. Based on the written submissions of the Landlord, I find that the Tenant has been served with the Dispute Resolution Direct Request Proceeding documents.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession pursuant to section 55 of the *Residential Tenancy Act*?

Background and Evidence

I have carefully reviewed the following evidentiary material submitted by the Landlord:

- 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 all parties on April 28, 2011 for a fixed term tenancy that began on March 1, 2010 and ended on February 28, 2011 at which time the Tenants were required to vacate the rental unit.
- Documentary evidence filed by the Landlord indicates that the Tenant was served a 10 Day Notice to End Tenancy for Unpaid Rent on August 2, 2011 at 3:00 p.m. when it was posted to the Tenant's door in the presence of a witness.

Analysis

The Landlord has provided a copy of a tenancy agreement which indicates the tenancy ended February 28, 2011 and the Tenants were required to vacate the rental property. Therefore there is insufficient evidence before me to prove the Landlord has a written tenancy agreement with the named respondent.

Based on the foregoing, I find that this application does not meet the requirements of the Direct Request Process and is hereby dismissed.

Conclusion

The application is HEREBY DISMISSED.

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: September 02, 2011.

Residential Tenancy Branch