



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This matter proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Residential Tenancy Act (the "Act"), and deals 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 which declares that on November 23, 2011, the Landlord served the Tenants with Notice of Direct Request Proceeding by registered mail.

Based on the written submissions of the Landlord, I find that the Tenants have been duly served with the Direct Request Proceeding Documents.

### 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, inter alia, the following evidentiary material:

- A copy of a residential tenancy agreement which was signed by two persons, one of whom is named as the Tenant in the application.
- A copy of a letter, dated May 28, 2011, from the named Tenant that indicated that the tenancy agreement noted above was no longer valid as the second person named in the agreement moved out of the unit in May 2011. The Letter

further indicates that the remaining Tenant wished to continue the tenancy with herself alone and she requested a new tenancy agreement to reflect this change.

### Analysis

In order to obtain an order through a “Direct Request” process, a landlord is required to provide a copy of a valid tenancy agreement. Where a co-tenant moves out of a unit, the tenancy ends for both tenants unless a new tenancy agreement is entered into with one or the other tenant. As the tenancy agreement submitted by the Landlord is not a tenancy agreement between the Landlord and the named Tenant, I dismiss the application.

### Conclusion

The Landlord's application is 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: November 28, 2011.

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Residential Tenancy Branch