



# Dispute Resolution Services

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 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 which declares that on May 9, 2012, the landlord personally served on the tenant the Notice of Direct Request Proceeding.

Based on the written submissions of the landlord, I find that the tenant has been duly served with the Direct Request Proceeding documents.

### Issue to be Decided

Can this issue be dealt with by way of Direct Request Proceeding?

### Background and Evidence

The landlord submitted a copy of the tenancy agreement clearly lists the landlord's name, but does not clearly identify the tenant. An illegible signature is scrawled in the area in which the tenant should have been identified.

### Analysis

In order to make a determination, I must be satisfied that the respondent is bound by a tenancy agreement to pay a certain amount of rent on a certain day each month. Because the tenancy agreement does not clearly identify the tenant, I am unable to determine whether the respondent is the person named in the tenancy agreement and as the respondent is not permitted to participate in a direct request proceeding, I find that the prejudice to her is too great to continue.

For these reasons I find that the matter should be adjourned to a participatory hearing in order to allow the respondent the opportunity to participate in the hearing.

A hearing will take place on \*, 2012 at 9:30 a.m. and will be conducted by telephone conference call. Included with the landlord's copy of this decision are notices of hearing. The landlord must serve the tenant via registered mail or personal service with a copy of the notice of hearing within 3 days of receiving this decision. The landlord should be prepared to give evidence of service at the hearing.

The landlord has already served on the tenant a copy of his application and evidence, but if he wishes to rely on further evidence or if the tenant wishes to submit any documentary evidence, that evidence must be served both on the branch and the other party 5 days prior to the hearing.

Failure to attend the hearing at the scheduled time, with all relevant documents and/or witnesses, will result in a decision being made on the basis of any information before the dispute resolution officer and the testimony of the party in attendance at the hearing.

#### Conclusion

The matter is adjourned to a participatory hearing.

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 17, 2012

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Residential Tenancy Branch