



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR

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 Landlords for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent.

Issue(s) to be Decided

1. Has service of the Direct Request Proceeding documents been effected in accordance with section 89 of the *Residential Tenancy Act*?

Background and Evidence

The Landlord submitted an Application for Dispute Resolution and proof of service document for the 10 Day Notice which lists a different a surname for the Tenant than that which is listed on the 10 Day Notice and on the Tenancy agreement.

Analysis

When making application through the Direct Request Process to end a tenancy a landlord has the burden of proving that the person named on the application for dispute resolution is the Tenant who is listed on the tenancy agreement.

In the absence of correct information pertaining to the Tenant's name I cannot find that the correct person has been notified of this proceeding in accordance with section 89 of the Act. Accordingly I dismiss this application with leave to reapply.

Conclusion

I HEREBY DISMISS the Landlord's application, 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 15, 2012.

Residential Tenancy Branch