



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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 for each tenant to declare that on July 23, 2012 the landlord served each tenant with the Notice of Direct Request Proceeding via personal delivery at the rental unit.

Based on the written submissions of the landlord, I find that the tenants have been served with the Direct Request Proceeding documents.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession and monetary compensation 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 for each tenant;
- A copy of two tenancy applications signed by the tenants only on May 5, 2009;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on July 12, 2012 with a stated effective vacancy date of July 22, 2012, for \$200.00 in unpaid rent as of July 1, 2012; and,
- A copy of a Proof of Service of the 10 Day Notice indicating landlord personally served both of the tenants with the 10 Day Notice at the rental unit on July 12, 2012 in the presence of a witness.

Analysis

This application was filed under the Direct Request procedure. The Direct Request procedure is based upon written submissions only. Documentation that must be submitted using this procedure includes a copy of the written tenancy agreement.

In this case, the landlord did not provide a written tenancy agreement. Rather, the landlord provided copies of an "Application for Tenancy" signed by each tenant but left unsigned by the landlord. An application for tenancy is not a tenancy agreement and cannot be used in place of a tenancy agreement.

Based on the foregoing, I find I cannot proceed with this application under the Direct Request procedure based on the documentation provided to me. I dismiss the application with leave to reapply for a participatory hearing.

Conclusion

This application has been dismissed with leave to reapply for 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: July 24, 2012.

Residential Tenancy Branch