



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 August 14, 2012 the landlord served each respondent with the Notice of Direct Request Proceeding via registered mail sent to the rental unit. The landlord provided a Canada Post receipts and tracking numbers as evidence of service. Section 90 of the Act determines that the documents are deemed to have been received five days later.

Based on the written submissions of the landlord, I find that the respondents 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

Included in the landlord's evidentiary material was a copy of a tenancy agreement that appears to be signed by only one tenant. The signature is illegible and I cannot determine which tenant signed the agreement.

Analysis

The Act applies to landlords and tenants who have entered into a tenancy agreement. The tenancy agreement presented to me bears the signature of only one tenant; yet, the landlord identified two tenants in filing this application. The evidence suggests that only one tenant has entered into a tenancy agreement.

Since the Direct Request procedure is based upon written submissions only and I cannot determine which respondent signed the agreement I find I cannot proceed with this application. Therefore, I dismiss the application with leave to reapply.

The landlord remains at liberty to submit another application against the tenant who signed the tenancy agreement.

Conclusion

This application has been dismissed 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: August 22, 2012.

Residential Tenancy Branch