



# 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 Act, and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order due to unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 16, 2012 the landlord served the tenants with the Notice of Direct Request Proceeding by registered mail. Section 90 of the Residential Tenancy Act determines that a document is deemed to have been served on the fifth day after it was sent.

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

### Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Request Proceeding for the tenants;
- A copy of a residential tenancy agreement which has not been signed by the parties for a tenancy starting on June 15, 2012 for the monthly rent of \$1,200.00 due on the 1st of the month; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on, August 03, 2012 with an effective vacancy date of August 16, 2012 due to \$1,200.00 in unpaid rent.

Documentary evidence filed by the landlord indicates that the tenants have failed to pay the full rent owed for the month of August and that the tenants were served a 10 Day Notice to End Tenancy for Unpaid Rent which was posted on the door of the tenants rental unit on August 03, 2012 and therefore is deemed served three days later.

The Notice states that the tenants had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenants did not apply to dispute the Notice to End Tenancy within five days.

### Analysis

In order to apply for an Order of Possession and Monetary Order through a Direct Request Proceeding the landlord is required to provide a signed copy of the tenancy agreement between the parties.

The copy of the tenancy agreement the landlord has provided is unsigned by either party. Consequently, I cannot proceed with the Direct Request Proceeding as in the absence of signatures I am not satisfied that the landlord has provided a reliable tenancy agreement as required to proceed by Direct Request.

Consequently, I adjourned the Direct Request Proceeding and reconvene the hearing as a participatory hearing.

### Conclusion

I order that the direct request proceeding be reconvened in accordance with section 74 of the Act. Based on the foregoing, I find that a conference call hearing is required in order to determine the validity of the tenancy agreement. Notices of Reconvened

Hearing are enclosed with this decision for the applicant to serve upon the tenants within **three (3) days** of receiving this decision in accordance with section 88 of the Act.

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.

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Residential Tenancy Branch