



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

Issues(s) to be Decided

1. Does this matter fall within the requirements of the Direct Request Process?

Background and Evidence

In support of their claim the Applicant has submitted, among other things, copies of: an application for dispute resolution, a 10 Day Notice to End Tenancy for unpaid rent, a property title print out, and a letter issued to the Respondent on December 13, 2011 indicating that the Applicant agrees to rent the property back to the Respondent and that the Applicant agrees to resell the above mentioned property back to the respondent at the end of the rental period. No tenancy agreement was submitted into evidence.

Analysis

When making a claim through the Direct Request process evidence must be submitted to prove that a tenancy agreement exists between the applicant and the respondent.

In this case there was no tenancy agreement provided; therefore, I find this application does not meet the requirements of the Direct Request process. Furthermore, there is indication on file that this matter involves the transfer of property ownership and therefore may not fall within the jurisdiction of the *Residential Tenancy Act*.

Conclusion

Based on the foregoing, I find there to be insufficient evidence to determine this matter and **I HEREBY DECLINE** to accept this application, pursuant to section 59(5)(a) of the *Residential Tenancy Act*.

No findings of fact or law have been made regarding the 10 Day Notice to End Tenancy issued June 8, 2012.

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: December 04, 2012.

Residential Tenancy Branch