



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Realty Executives Vantage
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This matter proceeded 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 signed Proofs of Service of the Notice of Direct Request Proceeding; they declared that on February 23, 2013 the landlord served the tenants with the Notice of Direct Request Proceeding by registered mail.

In the application for dispute resolution the landlord stated that the male tenant named in the tenancy agreement gave possession to the female tenant without authorization. The male tenant did not reside at the rental unit at the time of service and I find that he has not been served with the application.

Analysis and conclusion

A Direct Request proceeding is intended to be brought in narrow circumstances, one of which, as reflected in the Policy Guideline, is that the application deals with a person named in the tenancy agreement. The person in possession of the rental unit is not named in the tenancy agreement and I find that the party named in the tenancy

agreement has not been served with the Notice of Direct Request. The landlord's application for a monetary order and an order for possession is 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: April 08, 2013

Residential Tenancy Branch

