



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION (INTERIM)

Dispute Codes OPR, MNR

Introduction

This matter was conducted by way of a Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act* in response to an application made 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 which declares that on May 23, 2013 the landlord served the tenant with the Notice of Direct Request by registered mail. Section 90 of the *Act* provides that a document is deemed to have been served 5 days after mailing. Based on the written submissions of the landlord, I find that the tenant has been served with the Notice of Direct Request requesting an Order of Possession and a monetary order.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession for unpaid rent?
Has the landlord established a monetary claim against the tenants for unpaid rent?

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of a residential tenancy agreement which was signed by the landlord on December 10, 2012 but **not** the tenant, for a tenancy commencing on January 1, 2013 for the monthly rent of \$750.00 payable on the first day each month;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities which was issued on May 7, 2013 with an effective vacancy date of May 17, 2013 due to \$375.00 in unpaid rent that was due on May 1, 2013 (both pages provided);
- A copy of the Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities which states that the tenant was served with the notice on May 7, 2013, by posting it to the door of the rental unit; and

- The Landlord's Application for Dispute Resolution which was made on May 21, 2013 claiming \$375.00 of outstanding rent.

Analysis

The landlord provided a copy of a tenancy agreement in which the tenant's signature is missing from the signature block on page 6. In the absence of the tenant's signature on the tenancy agreement, I am not satisfied that the landlord has provided a reliable tenancy agreement as required to proceed through the Direct Request Proceeding.

Conclusion

Because the answers to these questions are not readily apparent in the documents supplied by the landlord, I find that this claim is not appropriate for the direct request process, but should be addressed in a hearing which the tenant is entitled to attend. I therefore order that a participatory hearing take place. **Notices of the time and date of the participatory conference call hearing will be sent to each party, separately to this interim decision, by mail in due course.**

Each party must serve the other and the Residential Tenancy Branch with any evidence that they intend to reply upon at the hearing. Fact sheets explaining evidence and service requirements are available on the Residential Tenancy Branch website at <http://www.rto.gov.bc.ca/content/publications/factSheets.aspx>. If either party has any questions or do not receive participatory hearings papers, they may contact an Information Officer with the Residential Tenancy Branch at:

Lower Mainland: 604-660-1020

Victoria: 250-387-1602

Elsewhere in BC: 1-800-665-8779

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: May 29, 2013

Residential Tenancy Branch