



Dispute Resolution Services

Page: 1

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 July 12, 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.

Based on the written submissions of the landlord, I find that the tenant has 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 tenant;

- A copy of a residential tenancy agreement entered into on June 17, 2013 The agreement states that monthly rent of 1,200.00 is due on the last of each month; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on, July 05, 2013 with an effective vacancy date of July 15, 2013 due to \$900.00 in unpaid rent.

Analysis

The landlord provided a copy of a tenancy agreement with no date by the signatures indicating when the tenancy agreement was signed. The agreement states it was entered into on June 17, 2013 for a tenancy beginning June 01, 2012. The agreement expires on May 31, 2013 and reverts to a month to month agreement. Further evidence provided indicates the tenancy started on May 15, 2013. 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: July 18, 2013

Residential Tenancy Branch

