



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR

Introduction

The landlord applied for an Order of Possession by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the "Act").

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding for each tenant to declare that on October 27, 2013 the landlord posted the Notices of Direct Request Proceeding on the door of the rental unit. Section 90 of the Act determines that the documents are deemed to have been received three days after posting.

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

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession under the Direct Request procedure?

Background and Evidence

Evidential material submitted by the landlord included:

- A copy of a residential tenancy agreement that was not signed by the landlord;
- A copy of a Proof of Service of the 10 Day Notice that was not signed and dated by the landlord or the person that served the 10 Day Notice.

Analysis

The Direct Request procedure is based upon written submissions of the landlord only. Certain documents must be submitted under this procedure to establish an entitlement to the Order(s) sought, including: a written tenancy agreement, a 10 Day Notice to End Tenancy for Unpaid Rent; and, Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent.

In this case, the landlord did not provide a fully executed tenancy agreement as evidence for this proceeding. I find an unsigned tenancy agreement is not sufficient documentation to establish the terms of tenancy agreed upon by both parties.

Further, the landlord provided a partially completed Proof of Service for the 10 Day Notice. The Proof of Service is to be signed and dated by the person that served the 10 Day Notice.

In light of the above, I find the landlord's documentation is insufficient to establish an entitlement for an Order of Possession under the Direct Request procedure. I dismiss this Application for Dispute Resolution with liberty to re-apply for a participatory hearing.

Conclusion

The landlord's request for an Order of Possession under the Direct Request procedure has been dismissed with liberty to re-apply for a participatory hearing.

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: November 01, 2013

Residential Tenancy Branch

