



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Lewis Apts.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### Dispute Codes

OPR, MNR, MNSD, FF

### 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 landlord requesting an Order of Possession, an Order to retain the deposit, a monetary Order for unpaid rent and to recover the filing fee cost from the tenant.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that at 5:10 p.m. on October 2, 2013 the landlord personally served the tenant with the Notice of Direct Request Proceeding, at the rental unit address. Section 90 of the Act determines that a document is deemed to have been served on the day of personal delivery.

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

### Preliminary Matters

As the landlord has applied for dispute resolution via the Direct Request Proceeding process I may only consider the claim for unpaid rent and an Order of possession.

I note that the landlord supplied a copy of an application for rent; a signed tenancy agreement was not supplied as evidence.

Residential Tenancy Branch policy on Direct Requests requires a landlord to provide a copy of the tenancy agreement. An application for tenancy does not constitute a written tenancy agreement.

Therefore, in the absence of a signed tenancy agreement I find that the application is dismissed with leave to reapply either via Direct Request, with all required documents, or via a participatory hearing.

Conclusion

The application 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: October 04, 2013

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Residential Tenancy Branch

