



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Nacel Properties
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction and Preliminary Matter

This non-participatory matter was conducted by way of a 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 for the rental unit due to unpaid rent and for a monetary order for unpaid rent.

In addition to other documentary evidence, the landlord submitted a 2 page tenancy agreement that did not include the tenants’ signature or the date on which the landlord signed the tenancy agreement. Additionally, the tenancy agreement provided was in smaller than 8 point font and it was not clear as to whether the tenancy agreement was only 2 pages.

Analysis and Conclusion

The direct request procedure is based upon written submissions only. Accordingly, written submissions must be sufficiently complete in order to succeed. One of the documents that must be submitted in order to qualify for the direct request procedure is a tenancy agreement signed and dated by all parties and in at least 8 point type, pursuant to section 12 of the Residential Tenancy Regulation.

I therefore find the landlord’s tenancy agreement to be deficient as required by the Act and Regulations and I therefore I dismiss the landlord’s application with leave to reapply.

The landlord should not apply for a direct request proceeding unless all documents are prepared in accordance with the Act and Regulations. Therefore, the landlord may wish to submit a new application through the normal dispute resolution process which includes 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* and is being mailed to both the applicant and the respondents.

Dated: November 14, 2013

Residential Tenancy Branch

