



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CQ ENTERPRISES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPR

Introduction

The landlord applied for an Order of Possession for unpaid rent under the Direct Request Procedure, 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, declaring that on January 24, 2014 the tenants were served with the Notice of Direct Request Proceeding via personal delivery. The landlord also submitted a signed statement from a person who witnessed the service. Neither the Proof of Service, nor the witness statement, indicates where the service took place other than the name of the town where the rental unit is located.

Of further concern is the tenancy agreement that provided in support of the landlord's Application for Dispute Resolution. In order to succeed under the Direct Request procedure, which is based upon written submissions of the landlord only, the landlord must submit a valid tenancy agreement to establish the terms of tenancy. Upon review of the tenancy agreement provided with this Application, I note that the tenancy agreement ended as of July 31, 2013 and that the tenants were required to vacate the rental unit by that date. Since the landlord has submitted evidence suggesting the tenants failed to pay rent for December 2013 I find the landlord has not submitted a tenancy agreement that was in effect for the month of December 2013. Rather, it would appear that the parties may have entered into a subsequent tenancy agreement, whether that be a verbal agreement or a subsequent written agreement, that is not before me.

Based upon the above, I decline to proceed with this Application for Dispute Resolution and I dismiss it 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: February 06, 2014

Residential Tenancy Branch

