



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes

OPR, MNR

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 Landlords for an Order of Possession and a Monetary Order.

Preliminary Matters

The Landlords submitted two signed Proofs of Service of the Notice of Direct Request Proceeding which declare that on May 6, 2014, at 11:25 a.m., the Landlord JH mailed the Notice of Direct Request Proceeding by registered mail. The Landlords provided a copy of the registered mail receipts and tracking numbers in evidence. However, the receipts do not indicate who the documents were mailed to.

The Landlords also provided a copy of a residential tenancy agreement which was signed by the Tenants on December 5, 2013, indicating a monthly rent of \$900.00 due on the first day of the month; however, the Landlords did not sign the tenancy agreement.

The Direct Request procedure is a limited expedited procedure for obtaining an Order of Possession when the tenant has not paid rent or filed an application to cancel a Notice to End Tenancy within 5 days of receipt of the Notice. The landlord may also request a monetary order. Decisions are based on written documentation only and therefore there is no ability to ask clarifying questions. Incomplete or incorrect applications are automatically scheduled to a participatory Hearing.

I cannot make findings with respect to whether the Tenants were served with the Notice of Direct Request Proceeding. The tenancy agreement is incomplete. Therefore I adjourn this matter to a participatory Hearing so that questions can be asked and answered with respect to service and the tenancy agreement.

Three copies of a Notice of Reconvened Hearing accompany this Interim Decision. The Landlords must serve each Tenant with a copy of the Notice of Reconvened Hearing in

accordance with the provisions of Section 89 (2) of the Act within 3 days of receipt of this Interim Decision.

Conclusion

This matter is adjourned to a participatory Hearing, to the date and time noted on the enclosed Notice of Reconvened Hearing. **The Landlords must serve each Tenant with the Notice of Reconvened Hearing in accordance with the provisions of Section 89 (2) of the Act within 3 days of receipt of this Interim Decision.**

This interim 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: May 12, 2014

Residential Tenancy Branch

