



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This matter proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Residential Tenancy Act (the "Act"), and deals with an Application for Dispute Resolution by the Landlord for:

1. An Order of Possession – Section 55; and
2. A Monetary Order for unpaid rent – Section 67.

Given the Landlord's signed proof of service, I find that the Landlord served each Tenant with the Notice of Direct Request Proceeding in person on June 11, 2014 in accordance with the Act.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?
Is the Landlord entitled to a monetary order for unpaid rent?

Background and Evidence

In the Application made February 14, 2014 the Landlord submits that the Tenant has failed to pay arrears of \$3,325.00. An application for a tenancy dated March 26, 2013 was provided however no written tenancy agreement was provided as evidentiary material.

Analysis

Section 55 of the Act provides that a landlord may request an order of possession of a rental unit by making an application for dispute resolution where a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application for dispute resolution and the time for making that application has expired. Section 13 of the Act requires every landlord to prepare in writing every tenancy entered into on or after January 1, 2004. In order for an application to be considered in the Direct Request Proceeding for an order of possession, a landlord must provide a copy of written tenancy agreement. As the Landlord has not provided a copy of a written tenancy agreement, I dismiss the application with leave to reapply.

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: June 19, 2014

Residential Tenancy Branch

