



# 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 a Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act* (the “Act”) in response to an Application for Dispute Resolution (the “Application”) made by the Landlord for an Order of Possession and a Monetary Order for unpaid rent.

### Analysis

The Direct Request process is a mechanism that allows the Landlord to apply for an expedited decision **without** a participatory hearing and therefore the proceedings rely solely on valid and complete written documentation. As a result, there can be no **omissions or deficiencies** within the written submissions that are left open to interpretation or inference. However, in this matter there exists a deficiency with the Landlord’s Application that does not allow me to proceed with the Direct Request proceeding.

The Landlord provided a residential tenancy agreement which details that this tenancy started on **July 1, 2014** and rent is payable by the Tenants in the amount of \$3,100.00 per month.

The Landlord served the Tenants with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”) on **July 6, 2014** for July, 2014 unpaid rent. The Landlord made the Application for this non participatory hearing on **July 18, 2014** and submitted the residential tenancy agreement in written evidence for these proceedings on this date.

However, the residential tenancy agreement shows that it was signed by the Landlords and both Tenants on **July 27, 2014** which is a date that has not occurred since the time the written evidence was submitted and the date of this decision (**July 23, 2014**). Due to the nature of this discrepancy and the lack of sufficient evidence to explain why and

how the written tenancy agreement was signed on a date that has yet to occur, I find that this written tenancy agreement is not sufficient for this Application to be handled through the Direct Request proceedings.

### Conclusion

For the above reasons, I am unable to proceed with the Landlord's Application through the Direct Request Proceeding.

However, because an explanation to the above discrepancy may be addressed by both parties in a hearing which the Tenants are entitled to attend, to confirm that a tenancy under the Act does exist between the parties, I order that a participatory hearing take place.

**Notices of the time and date of the participatory conference call hearing will be sent to each party, separately to this interim decision, by mail in due course.**

Each party must serve the other and the Residential Tenancy Branch with any evidence that they intend to reply upon at the hearing. Fact sheets explaining evidence and service requirements are available on the Residential Tenancy Branch website address which is attached to this decision. If either party has any questions or does not receive participatory hearings papers, they may contact an Information Officer with the Residential Tenancy Branch using the contact numbers on the next page.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: July 23, 2014

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Residential Tenancy Branch

