



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RE/MAX MID ISLAND REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OP

Issue(s) to be Decided

The Applicant has applied for an Order of Possession for unpaid through the Direct Request Process.

Issues(s) to be Decided

1. Is the Applicant the Landlord or Agent of the Landlord?

Background and Evidence

In support of their claim the Applicant has submitted a copy of the application for Direct Request which was completed with a landlord's name of Re/Max Mid Island Realty. The tenancy agreement submitted into evidence in support of this application lists the Landlords and was signed by what appears to be signature and beside the signature block Re/Max Mid Island is listed. The 10 Day Notice and Proof of Service documents list the Landlord as.

Analysis

Notwithstanding that has signed the tenancy agreement, there is no evidence before me to support that or Re/Max Mid Island Realty, applicant to this Direct Request Application, are agents for the Landlords as named on the tenancy agreement, or that the Applicant acquired the rights to the tenancy agreement from the previous Landlords. Furthermore, there is no evidence that the applicant named in this proceeding has any authorization to act as the agent to the legal Landlords named in the tenancy agreement or that this authorization to act as the Landlord has been provided in writing to the Tenants.

When making a claim through the Direct Request process evidence must be submitted to prove that a tenancy agreement exists between the applicant and the respondents named on the application for Direct Request.

In this case the Applicant is different than the named Landlords on the tenancy agreement Based on the aforementioned I find that this application does not meet the requirements for the Direct Request process, and the claim is dismissed, with leave to reapply.

Conclusion

I HEREBY DISMISS the application for Direct Request, 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: October 06, 2014

Residential Tenancy Branch