



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 an *ex parte* 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 Landlord for an Order of Possession based on unpaid rent and a Monetary Order.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 14, 2017, the Landlord sent both Tenants individual copies of the Notices of Direct Request Proceeding by registered mail. The Landlord provided a copies of the Canada Post Customer Receipts containing the Tracking Numbers to confirm these registered mailings.

Based on the written submissions of the Landlord and in accordance with sections 89 and 90 of the *Act*, I find that the Tenants have been deemed served with the Direct Request Proceeding documents on, September 19, 2017.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession for unpaid rent pursuant to sections 46 and 55 of the *Act*?

Is the Landlord entitled to monetary compensation for unpaid rent pursuant to section 67 of the *Act*?

Background and Evidence

The Landlord submitted the following evidentiary material:

- A copy of an Application for Rental of a Suite dated June 12, 2016;
- A Monetary Order Worksheet showing the rent owing and paid during the relevant portion of this tenancy; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) dated September 6, 2017, with a stated effective vacancy date of September 16, 2017, for \$1,500.00 in unpaid rent.

Witnessed documentary evidence filed by the Landlord indicates that the 10 Day Notice was personally served to both Tenants at 8:30 p.m. on September 6, 2017. The 10 Day Notice states that the Tenants had five days from the date of service to pay the rent in full or apply for Dispute Resolution or the tenancy would end.

Analysis

The application was filed under the Direct Request procedure. The Direct Request procedure is based upon written submissions only. Documentation that must be submitted using this procedure includes a copy of the written tenancy agreement.

In this case, the Landlord did not provide a written tenancy agreement. Rather, the landlord provided copies of a signed "Application for Rental of a Suite"; however, it is unclear who has signed that document. An Application for Rental of a Suite is not a tenancy agreement and cannot be used in place of a tenancy agreement.

Based on the foregoing, I find I cannot proceed with this application under the Direct Request procedure based on the documentation provided to me. I dismiss the application with leave to reapply for a participatory hearing.

Conclusion

This application has been dismissed with leave to reapply for a participatory hearing.

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: September 20, 2017

Residential Tenancy Branch