



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

OPR, MNR, MNSD, FF

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 landlord for an Order of Possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 10, 2009 the landlord's agent served each tenant with the Notice of Direct Request Proceeding via personal delivery at the rental unit address at 4:30 p.m. The landlord has provided a Proof of Service document which indicates that the tenants were served by the landlord's agent, who has not provided his last name on the Proof of Service.

The landlord has included a 10 Day Notice to End Tenancy for Unpaid Rent as evidence. This form is also signed only with a first name of the landlord's agent.

The residential tenancy agreement submitted as evidence did not include the signature page which details the tenant name, the landlord's name and signature and the date the agreement was signed.

Residential Tenancy Branch policy suggests that proof of service normally includes the date and time of service, where the person was when served, and the name of the person served. The landlord's agent has not provided any identifying information on any of the documents submitted, other than a first name.

The landlord has submitted a Proof of Service document for service of the 10 Day Notice to End Tenancy which is signed by the male tenant, acknowledging receipt of the notice on September 2, 2009.

Conclusion

I find that the landlord has personally served the tenants with Notice of this Direct Request Proceeding. However, in the absence of the signature page of the residential



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tenancy agreement, I order that the direct request proceeding be reconvened in accordance with section 74 of the Act. Based on the foregoing, I find that a conference call hearing is required in order to determine the details of this tenancy and confirmation of the full name of the individual acting as agent for the landlord. Notices of Reconvened Hearing are enclosed with this decision for the applicant to serve, with all required documents, upon each tenant within **three (3) days** of receiving this decision in accordance with section 88 of the Act.

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 14, 2009.

Dispute Resolution Officer