



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 hearing proceeded by way of Direct Request Proceeding, pursuant to sections 55(4) and 74(2) of the *Residential Tenancy Act (Act)*, and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession and a monetary order.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on December 08, 2009 the Landlord served the male Tenant with the Notice of Direct Request Proceeding by registered mail. The Landlord submitted a copy of a Canada Post Receipt, with a tracking number, which corroborates that the Landlord mailed a package to the male Tenant at the rental unit.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on December 08, 2009 the Landlord served the female Tenant with the Notice of Direct Request Proceeding by registered mail. The Landlord submitted a copy of a Canada Post Receipt, with a tracking number, which corroborates that the Landlord mailed a package to the female Tenant at the rental unit.

Based on the written submissions of the Landlord, I find the Tenants have been served with the Dispute Resolution Direct Request Proceeding documents.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession for unpaid rent; to a monetary Order for unpaid rent; and to recover the filing fee from the Tenants for the cost of the Application for Dispute Resolution, pursuant to sections 55, 67, and 72 of the *Act*.

Background and Evidence

I have reviewed the following evidence that was submitted by the Landlord:

- A copy of the Proof of Service of the Notice of Direct Proceeding for each Tenant.

- A copy of a residential tenancy agreement for a rental unit at a different address than the address noted on the Application for Dispute Resolution.
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was signed on November 04, 2009, which states that the Tenants must vacate the rental unit by November 14, 2009 as they have failed to pay rent.
- A copy of Proof of Service of the 10 Day Notice to End Tenancy, in which an agent for the Landlord declared that he posted the Notice on November 04, 2009 at 1400 hours, in the presence of another person, who also signed the Proof of Service.

Analysis

I find that I am not able to determine that the Tenants named on the Application for Dispute Resolution have a tenancy agreement in relation to this rental unit, as the address on the tenancy agreement that was submitted in evidence differs from the address noted on the Application for Dispute Resolution.

Conclusion

I order that the direct request proceeding be reconvened in accordance with section 74 of the *Act*, as I find that a conference call hearing is required in order to determine that a tenancy exists.

Notices of Reconvened Hearing are enclosed with this interim decision for the Landlord. A copy of the Notice of Reconvened Hearing, this interim decision, the Application for Dispute Resolution, and any evidence that will be introduced at the hearing by the Landlord must be served upon Tenant, in accordance with section 88 of the *Act*, within **three (3) days** of receiving this decision.

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: December 18, 2009.

Dispute Resolution Officer