



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR

Introduction

The Applicant has applied for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent.

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 and a copy of a 10 Day Notice to End Tenancy both of which were issued listing a different Landlord's name than that listed on the tenancy agreement provided in support of this application.

There is no evidence to support that the Landlord has changed names or the Applicant purchased the rights to the tenancy agreement from the previous Landlords. Further, 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.

Analysis

A “**tenancy agreement**” means an agreement, whether written or oral, express or implied, between a landlord and a tenant respecting possession of a rental unit, use of common areas and services and facilities, and includes a licence to occupy a rental unit. I find that based on the above definition, oral terms contained in, or form part of, tenancy agreements and may still be recognized and enforced during a participatory hearing however verbal tenancy agreements do not meet the requirements for a Direct Request Proceeding. Evidence must be submitted to prove that a tenancy agreement

exists between the applicant and the respondent in order to obtain an Order of Possession and Monetary Order through the Direct Request process.

Based on the aforementioned I find that this application does not meet the requirements for the Direct Request process and I hereby dismiss the application with leave to reapply.

Conclusion

I HEREBY DISMISS the application, 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: August 29, 2011.

Residential Tenancy Branch