



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 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 for unpaid rent and a monetary order for unpaid rent.

In addition to other documentary evidence, the landlord submitted a tenancy agreement and correspondence referring to a relative who the landlord indicates was to collect rent on her behalf.

Preliminary Issue, Analysis and Conclusion

The Direct Request process is a mechanism that allows the landlord to apply for an expedited decision, with that the landlord must follow and submit documentation exactly as the *Act* prescribes; there can be no omissions or deficiencies with items being left open to interpretation or inference.

In this case, the landlord has included details in her application that a relative will be collecting rent but failed to provide evidence that she advised the tenant in writing that she has assigned an agent to act on the landlord’s behalf. In addition, the landlord also served the tenant with Notice of a Direct Request proceeding by posting to the tenant’s door which is **not** an accepted method of service when applying for a monetary order through the Direct Request process. The Proof of Service of the Notice of a Direct Request which was completed by the landlord and submitted in evidence clearly indicates this information in bold.

Under these circumstances, **I dismiss** the landlord’s application **with leave to reapply**. The landlord should not apply for a direct request proceeding unless all documents are completed in full and there are no documents which can be open to interpretation or

inference. Therefore, the landlord may wish to submit a new application through the normal dispute resolution process which includes a **participatory hearing**. If requesting a monetary order, the landlord should review section 89(1) of the *Act* which includes the approved methods of service.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: April 05, 2013

Residential Tenancy Branch

