



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 landlords submitted in their details of dispute a monetary claim for items not permitted through the direct request process, and contradictory details which conflict with the amount listed on the 10 Day Notice.

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 landlords have included a claim for items not permitted through the direct request process such as NSF fees, late payment fees, utility disconnection fees and the filing fee. Furthermore, the landlord provided contradictory details in their application for a direct request proceeding which conflict with the amount listed on the 10 Day Notice such as a claim for \$625.00 for July rent stated as July 1 to July 12, 2013 in the application, although the tenancy agreement indicates that monthly rent is \$1,250.00 and due on the first day of each month.

Under these circumstances, I **dismiss** the landlords’ 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** as this application is not suitable for the direct request process.

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: July 15, 2013

Residential Tenancy Branch

