



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Trew-Star Family Holdings Ltd.
and [tenant name suppressed to protect privacy]

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 listed a company name as the landlord, yet the tenancy agreement makes no reference to the company name listed on the landlord’s application for dispute resolution. Secondly, the landlord did not provide any documentary evidence to prove that the two named landlords on the residential tenancy agreement submitted in evidence, had been replaced by the company named in the application for dispute resolution. Thirdly, the landlord’s monetary claim for unpaid rent is greater than the amount listed on the tenancy agreement, and there was no supporting evidence submitted that a Notice of Rent Increase in the approved form was served by the landlord on the tenant during the tenancy.

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 listed a company name as the landlord, yet the tenancy agreement makes no reference to the company name listed on the landlord’s application for dispute resolution. Secondly, the landlord did not provide any documentary evidence to prove that the two named landlords on the residential tenancy agreement submitted in evidence had been replaced by the company named in the application for dispute resolution. Thirdly, the landlord’s monetary claim for unpaid rent

is greater than the amount listed on the tenancy agreement, and there was no supporting evidence submitted that Notice of Rent Increase in the approved form was served by the landlord on the tenant during the tenancy.

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** 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: October 11, 2013

Residential Tenancy Branch

