



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This non-participatory matter was conducted 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 applicants for an order of possession for the rental unit due to unpaid rent and for a monetary order for unpaid rent.

Evidence and Analysis

Included in the documentary evidence submitted by the applicants/landlords was a tenancy agreement listing applicant JL as the landlord; however applicant GA signed the tenancy agreement, not JL. Additionally, GA signed the application for dispute resolution and the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, listing himself as agent.

JL was listed as landlord on the 10 Day Notice and on the Proof of Service of the 10 Day Notice.

What the applicants did not file was written verification that GA was appointed by the landlord, JL, to act or appear on her behalf as agent at the dispute resolution proceeding, as provided in Residential Tenancy Branch Policy Guideline #26.

As the direct request procedure is conducted by written submissions only, there can be no omissions or deficiencies as I am not able to make inferences or assumptions on written documents only.

Conclusion

I therefore find that this application does not meet the requirements for the Direct Request process.

The landlords should not apply for a direct request proceeding unless all documents are prepared in accordance with the Act and Regulations and are sufficiently clear. Therefore, the landlord may wish to submit a new application through the normal dispute resolution process which includes a participatory hearing.

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* and is being mailed to both the applicants and the respondent.

Dated: November 14, 2013

Residential Tenancy Branch

