



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding DEVON PROPERTIES 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’s application for dispute resolution indicates a different dispute address and tenant address than the address listed for the tenant on the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”) dated January 2, 2014, and the tenancy agreement. Furthermore, the 10 Day Notice includes a “PAID” stamp on it and is dated “Jan 15”, which is after the date the 10 Day Notice was signed.

### 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 the tenant’s address and dispute address on the Application for Dispute Resolution which do not match the tenant’s address as listed on the tenancy agreement or the 10 Day Notice submitted in evidence. Furthermore, the 10 Day Notice includes a “PAID” stamp dated “Jan 15” which is confusing and would either require a participatory hearing to determine the validity of; or issuing a new 10 Day Notice, and is **not** appropriate for a direct request proceeding as submitted. 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**.

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: January 31, 2014

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Residential Tenancy Branch

