



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR

### Introduction

This matter was conducted by way of a Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act* (the “Act”) in response to an application made by the landlord for an Order of Possession and a Monetary Order for unpaid rent.

### Analysis

The Direct Request process is a mechanism that allows the landlord to apply for an expedited decision without a participatory hearing. As a result, the landlord must follow and submit documentation **exactly** as the Act prescribes and there can be no omissions or deficiencies within the written submissions that are left open to interpretation or inference.

Whilst the landlord has submitted all of the required documents required for the Direct Request process, there exists a deficiency with the landlord’s application that does not allow me to proceed with the Direct Request Proceeding.

The landlord’s application details the landlord’s name as BD (initialed for the purposes of this decision). However, the written tenancy agreement submitted with the application provides for a tenancy with a different landlord, being a company name. Furthermore, the tenancy agreement states that there are two additional parties that are authorized to act on behalf of the landlord and to accept service of any legal process. However, the landlord named in this application, BD, is not any of these parties assigned to act on behalf of the company who is designated as the landlord in the tenancy agreement.

### Conclusion

As there is insufficient evidence to establish that a tenancy exists between the landlord named in this application and the tenants and there is not sufficient evidence to show that the landlord named in this application is authorized to act as an agent on behalf of

the landlord which has been communicated to the tenants, **I dismiss** the landlord's application **with leave to reapply**.

However, the landlord should not apply for a Direct Request Proceeding unless all the documents provided are correct and complete and the application contains sufficient evidence to explain any discrepancies; or is made by the landlord or landlord's agent named on the tenancy agreement. Alternatively, these may be better addressed 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*.

Dated: January 23, 2014

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Residential Tenancy Branch

