



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction and preliminary matter

This non-participatory, matter was conducted by way of a direct request proceeding, pursuant to section 55(4) of the Residential Tenancy Act (the “Act”), via the documentary submissions only of the landlord, and dealt with an application for dispute resolution by the landlord for an order of possession for the rental unit and a monetary order for unpaid rent, pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”).

In addition to other documentary evidence, the landlord submitted a tenancy agreement which was cut off during their facsimile transmission, and therefore did not include many words on the left hand side of the page.

Additionally, the start date of the tenancy was incomplete.

Analysis and Conclusion

The direct request procedure is based upon written submissions only. Accordingly, written submissions must be sufficiently complete and must comply with the requirements of the Act in order to succeed. One of the documents that must be submitted in order to qualify for the direct request procedure is an entire tenancy agreement, with no missing information. Further the tenancy agreement must comply with the Residential Tenancy Regulation, as required by section 13(2) of the Act, which states that the tenancy agreement must set out the date on which the tenancy starts, pursuant to section 13(2)(f).

It is upon the landlord to ensure that their document in its entirety can be transmitted through a facsimile transmission.

As described above, I therefore find the landlord's application under the direct request proceeding to be deficient as required by the Act and Regulations and I therefore I dismiss the landlord's application with leave to reapply.

The landlord should not apply for a direct request proceeding unless all documents are prepared in accordance with the Act and Regulations. 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 applicant and the respondent.

Dated: May 28, 2014

Residential Tenancy Branch

