



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

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 landlords for an order of possession for unpaid rent and a monetary order for unpaid rent.

In addition to other documentary evidence, the landlords submitted a Proof of Service of the Direct Request (the “Proof of Service”) document that only listed one of the two named tenants. Furthermore, the landlords applied for a monetary order and although the Proof of Service document clearly states that when serving by posting to the tenants’ door, “**Note: Do not use this method if request a Monetary Order**” in bold. In addition, the landlords have claimed for \$750.00 yet in their details of dispute also indicate a total balance of “\$2050”.

Preliminary Issue

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 landlords submitted a Proof of Service of the Direct Request (the “Proof of Service”) document that only listed one of the two named tenants. As a result of the above, I am not satisfied that both tenants were served with the Notice of Direct Request and would have been aware of this proceeding. Furthermore, the landlords applied for a monetary order and although the Proof of Service document clearly states that when serving by posting to the tenants’ door, “**Note: Do not use this method if request a Monetary Order**” in bold. Section 89(1) of the *Act* does not allow for the posting of an application for dispute resolution to the respondent’s door when seeking a

monetary order. And finally, the landlords have claimed for \$750.00 yet in their details of dispute also indicate a total balance of "\$2050" which I find to be contradictory and confusing.

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 are not left open to interpretation or inference. Therefore, the landlords 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: May 14, 2014

Residential Tenancy Branch

