



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction and preliminary matter

This non-participatory, ex parte 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 (the "Notice").

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 13, 2014, the landlord served the respondent/tenant with the Notice of Direct Request Proceeding, including the landlord's application, by attaching it to the tenant's door. Pursuant to section 90 of the Act, the documents were deemed served 3 days later.

Analysis and Conclusion

The direct request procedure is based upon written submissions only. Accordingly, written submissions must be sufficiently correct and must comply with the requirements of the Act in order to succeed. There can be no deficiencies with the written submissions.

Included in the documentary evidence submitted by the applicant/landlord, was a tenancy agreement listing as landlord a corporation's name only; however, the applicant/landlord, an individual, making this application was not listed anywhere on the tenancy agreement and he had not signed the tenancy agreement, representing the corporate landlord.

There was no explanation provided by the applicant/landlord as to why an individual who was not designated as an agent, rather than the corporate name, was listed as landlord on the application for the direct request process.

I am not able to reconcile on a direct request proceeding the inconsistencies in the documents supplied by the applicant/landlord, as the direct request process is conducted by written submissions only and there can be no inferences or assumptions made by the Arbitrator. I therefore cannot assume that the individual listed as the applicant/landlord represents the landlord listed on the tenancy agreement.

Conclusion

I therefore find the landlord's dispute resolution application to be deficient as required by the Act for direct request and I therefore I dismiss the landlord's application with leave to reapply.

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: August 19, 2014

Residential Tenancy Branch

