



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR

Introduction

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 applicant/landlord's name does not match the landlord's name on the tenancy agreement. Additionally, the Notice lists unpaid rent of \$2335, and the detailed calculation for unpaid rent supplied by the applicant shows that monthly rent of \$675 due on the tenancy agreement also included an amount for \$310, without explanation, for a total of \$985 due for June 2014.

Preliminary Issue, Analysis and Conclusion

The direct request process is a mechanism that allows the landlord to apply for an expedited decision, which requires the landlord to 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 applicant/landlord name does not match the tenancy agreement and the Notice listed an unexplained amount, with no evidence that the total amount included unpaid rent. 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** or ensures

that the name of the applicant/landlord matches the documents they intend to rely on in evidence.

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: September 18, 2014

Residential Tenancy Branch

