



# Dispute Resolution Services

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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 applicant C.H., for an order of possession for unpaid rent and a monetary order for unpaid rent.

In addition to other documentary evidence, the applicant C.H.’s first name does not match the name of the landlord on the tenancy agreement or the notice of rent increase, K.H. There is also no supporting documentation, such as a contract for purchase or sale of the residential property to support if the applicant, C.H. became a landlord through the purchase of the residential property, is acting as agent for the named landlord on the tenancy agreement, or had any rights under the *Act* to issue the 10 Day Notice and to file the application before me.

### Preliminary Issue, Analysis and Conclusion

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, and in addition to other documentary evidence, the applicant C.H.’s first name does not match the landlord’s name on the tenancy agreement or notice of rent increase, K.H. There is also no supporting documentation, such as a contract for purchase or sale of the residential property to support if C.H. became a landlord through the purchase of the residential property, is acting as agent for the named landlord on the tenancy agreement, or had any rights under the *Act* to issue the 10 Day Notice and to file the application before me. Under these circumstances, **I dismiss** the applicant’s application **with leave to reapply** as I find there is insufficient evidence to support that

the applicant is a landlord or an agent of the landlord. If the applicant is a landlord, the applicant failed to submit supporting evidence of such. A 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, if the applicant is a landlord, they may wish to submit a new application through the normal dispute resolution process which includes a **participatory hearing** or ensure that sufficient documentary evidence is submitted to support that the applicant is a landlord or agent for the landlord in relation to the residential dispute address. Furthermore, all notices of rent increases for the duration of the tenancy must be submitted if applying through 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: October 7, 2014

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Residential Tenancy Branch

