



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes OPR, MNR

Introduction

This matter was conducted in response to a Landlord's Application for Direct Request (the "Application") for an Order of Possession and a Monetary Order for unpaid rent, pursuant to Section 55(4) of the *Residential Tenancy Act* (the "Act").

Analysis

The Direct Request process is a mechanism that allows the Landlord to apply for an expedited decision **without** a participatory hearing and therefore the proceedings rely solely on valid and complete written documentation. As a result, there can be no **omissions or deficiencies** within the written submissions that are left open to interpretation or inference. However, in this matter there exists a deficiency with the Landlord's Application that does not allow me to proceed with the Direct Request proceeding.

The Landlord provided a one page hand written tenancy agreement which does not indicate the rental unit address and the exact amount of rent that is payable under the agreement. The one page tenancy document indicates that the agreement comprises of two pages ("2 of 2"); however, no second page was submitted by the Landlord with the Application.

Page two of the Application provides the Landlord with essential information which a Landlord is required to read and consider before submitting the Application. One of these requirements is that the Landlord is required to provide a fully completed tenancy agreement.

In this case, the Landlord has failed to provide a complete tenancy agreement that allows me to progress the Landlord's Application through the Direct Request Process. I am unable to determine which rental unit the tenancy agreement refers to and the exact

amount of rent that was payable under the agreement. Without this information, I am unable to verify the amount of outstanding rent claimed by the Landlord in the Application.

Conclusion

For the above reasons, I am unable to proceed with the Landlord's Application through the Direct Request proceeding.

However, because an explanation to the above discrepancies may be addressed by both parties in a hearing which the Tenant is entitled to attend, to confirm that a tenancy under the Act does exist between the parties for the address on the Landlord's Application and the amount of rent payable under the agreement, I order that a participatory hearing take place.

Notices of the time and date of the participatory conference call hearing will be sent to each party, separately to this Interim Decision, by mail in due course.

Each party must serve the other and the Residential Tenancy Branch with any evidence that they intend to reply upon at the hearing. Fact sheets explaining evidence and service requirements are available on the Residential Tenancy Branch website address which is attached to this decision. If either party has any questions or does not receive participatory hearings papers, they may contact an Information Officer with the Residential Tenancy Branch using the contact numbers on the next page.

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*.

Dated: November 06, 2014

Residential Tenancy Branch

