



# 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 landlord submitted a copy of the written tenancy agreement showing a different rental address than the rental unit in question listed in their application.

### Preliminary Issue, Analysis and Conclusion

The direct request process is a mechanism that allows the landlord to apply for an expedited decision, which requires 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.

Accordingly, written submissions must comply with the requirements of the Act in order to succeed. One of the documents that must be submitted in order to qualify for the direct request procedure is a tenancy agreement complying with the Residential Tenancy Regulation, as required by section 13(2) of the Act, which states that the tenancy agreement must set out the address of the rental unit, pursuant to section 13(2)(c).

In this case, it appears that the landlord has attempted to mark over the incorrect address on the written tenancy agreement; however, that mark was indistinct and not initialled by the parties, signifying that the tenant was not aware of any changes to the executed, tenancy agreement.

As described above, I therefore find the landlord's application under the direct request proceeding to be deficient and I therefore I dismiss the landlord's application, with leave to reapply.

The landlord should not apply for a direct request proceeding unless all documents are prepared in accordance with the Act and Regulations. Therefore, the landlord may wish to submit a new application through the normal dispute resolution process which includes a participatory hearing.

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: January 20, 2015

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Residential Tenancy Branch

