



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HOMELIFE GLENAYRE REALTY CHILLIWACK LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR

Introduction and preliminary matter

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 a registered mail receipt, but did not provide a signed statement attesting to the date, method, person sending the registered mail, or that the registered mail was used for the purpose of sending the landlord’s application and Notice of the direct request proceeding to the tenant. Further, the landlord submitted a copy of a tenancy agreement that did not include the date on which the tenancy agreement was entered into.

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 document which must be included under the direct request proceeding is signed proof that the respondent was served with the landlord’s application for dispute resolution and Notice of the direct request process, and in this case, I find that a copy of a registered mail receipt is not sufficient to meet that burden of proof.

Another document that must be submitted in order to qualify for the direct request proceeding 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 date on which the tenancy agreement was entered into, pursuant to section 13(2)(d).

As described above, I therefore find the landlord's application under the direct request proceeding to be deficient as required by the Act and Regulations as the landlord failed to provide sufficient proof that the respondent was served the landlord's application and Notice of the direct request proceeding and as the date the tenancy agreement was signed was not completed. 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 14, 2015

Residential Tenancy Branch

