



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION**

### **Dispute Codes**

MNR

### **Introduction**

This matter was conducted by way of Direct Request Proceeding filed September 15, 2015, pursuant to Section 55(4) of the *Residential Tenancy Act* (the "Act"), and dealt with an Application for Dispute Resolution by the Landlord for a Monetary Order for unpaid rent.

The Landlord is not seeking an Order of Possession. Documentary evidence provided by the Landlord indicates that this tenancy may have ended before September 15, 2015. The Landlord provided more than 100 pages of additional documentary evidence, which includes evidence that a Hearing has been scheduled on October 28, 2015, at 10:30 p.m., to consider an Application for Dispute Resolution concerning the rental unit, between the Landlord and Tenant and another person. A search of the Residential Tenancy Branch's electronic filing system indicates that another file between the Landlord and Tenant is also scheduled to be heard on October 28, 2015, at 10:30 a.m. (the "Other Cross Applications").

The Direct Request procedure is an expedited procedure which is based on written documentation only. The Direct Request procedure is also a limited procedure which may only be used if the tenant has not paid rent or filed an application to cancel a Notice to End Tenancy within 5 days of being served with the Notice to End Tenancy. Applications processed through the Direct Request procedure must be completed correctly and have all required supporting documentation attached. There is no ability for an arbitrator to ask questions of the parties.

Based on the volume, complexity and content of the documentary evidence provided by the Landlord, and my inability to ask questions of the Landlord or the Tenant, I find that this is not a matter suitable for the Direct Request procedure.

Therefore, I adjourn this matter to be heard at 10:30 a.m., October 28, 2013, together with the Other Cross Applications. Three copies of a Notice of Reconvened Hearing accompany this Interim Decision. The Landlord must serve the Tenant and the other person on the Other Cross Applications with a copy of the Notice of Reconvened

Hearing in accordance with the provisions of Section 89 (2) of the Act within 3 days of receipt of this Interim Decision.

In addition, I order the Landlord to serve the other person on the Other Cross Applications with copies of the documentary evidence filed on in the Direct Request Proceeding. The Landlord provided a Proof of Service document providing that he served the Tenant with copies of his documentary evidence on the Direct Request Proceeding, by registered mail sent September 18, 2015.

### **Conclusion**

This matter is adjourned to a participatory Hearing, to be heard with the Other Application, on October 28, 2015, at 10:30 a.m. **The Landlord must serve the Tenant and the other person on the Other Cross Applications with the Notice of Reconvened Hearing in accordance with the provisions of Section 89 (2) of the Act within 3 days of receipt of this Interim Decision. The Landlord must also serve the other person on the Other Cross Applications with copies of the documentary evidence on the Direct Request Proceeding.**

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: September 28, 2015

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Residential Tenancy Branch

