



# 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 landlords, and dealt with an application for dispute resolution by the landlords 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 submitted by the landlords, the written tenancy agreement shows that the tenant’s name on the first page of the agreement is different on the signature page. The tenant’s name of the first page of the written tenancy agreement and on all other documentary evidence suggests that the tenant is male; however, on the signature page, the name indicated suggests a female name and has a completely different first name and surname. Additionally, the tenant’s signature was not descriptive as only the first initial was used and the surname was not clear.

### Preliminary Issue, Analysis and Conclusion

The direct request process is a mechanism that allows the landlord to apply for an expedited decision, which requires the landlord to 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, the respondent/tenant’s name is not consistent on the written tenancy agreement. Under these circumstances, I dismiss the landlord’s application with leave to reapply.

The landlord should not apply for a direct request proceeding with unclear documents which are left open to interpretation on an ex parte matter. Therefore, the landlord may wish to submit a new application through the normal dispute resolution process which

includes a participatory hearing or ensures that the name of the respondent/tenant matches the documents they intend to rely on in evidence.

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 23, 2015

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Residential Tenancy Branch

