



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPRM-DR, FFL

Introduction

This hearing dealt with the Landlords adjourned Direct Request Application filed under the *Residential Tenancy Act*, (the “*Act*”), for an order of possession, a monetary order for unpaid rent and an order to recover the cost of filing the application from the Tenant.

The Landlord’s Agent (the Agent) attended the hearing. The Agent was affirmed to be truthful in his testimony. As the Tenants did not attend the hearing, service of the Notice of Dispute Resolution Hearing documentation was considered. The Agent testified that the Tenants had been personally served with the Notice of Hearing documents. I find that the Tenant had been duly served in accordance with sections 89 and 90 of the *Act*.

The Agent was provided with the opportunity to present his evidence orally and in written and documentary form, and to make submissions at the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Preliminary Matter

Throughout the entire hearing, the Agent for the Landlord was unprepared to present the documentary evidence or offer verbal testimony regarding this claim. When asked about the history of this tenancy and service dates the Agent was not able to speak to exact dates. When asked about outstanding rent amounts and partial payments the Agent could not provide details and appeared to guess at amounts due and reasons for discrepancies. Additionally, the Agent testified that it was his understanding that the security deposit held by the Landlord for this tenancy had previously been assigned to

another loss under this tenancy. However, the Agent could not provide any details or documentary evidence in support this statement.

I provided the Agent with ample time during the hearing to search through his paperwork and confirm information. However, the Agent was not able to testify to or present documentation in support the Landlord's application.

The matter before me today had initially been a Direct Request Application that was sent to a hearing, in order to obtain clarity due to a discrepancy found in that application. However, I find that the Landlord's Agent was unprepared to speak to the particulars of the Landlord's application during this hearing. Overall, I find the Agents testimony to be unclear and unreliable.

Therefore, I am dismissing the Landlord's application; as the Tenant did not attend this hearing, I will dismiss with leave to reapply.

Conclusion

The Landlord's application for an order of possession and a monetary order for unpaid rent is dismissed with leave to reapply.

The Landlord's application to recover the \$100.00 filing fee for this hearing is dismissed without leave to reapply.

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: July 19, 2018

Residential Tenancy Branch