



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding REGAL EIGHTY MANAGEMENT CORP  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes OPR-DR, OPRM-DR, FFL

This matter proceeded by way of an *ex parte* Direct Request Proceeding pursuant to section 55(4) of the *Residential Tenancy Act* (the “Act”) and dealt with an Application for Dispute Resolution filed by the Landlord for an order of possession and an order granting recovery of the filing fee.

In an *ex parte* Direct Request Proceeding, the onus is on the landlord to ensure that all submitted evidentiary material is in accordance with the prescribed criteria and that such evidentiary material does not lend itself to ambiguity or give rise to issues that may need further clarification beyond the purview of a Direct Request Proceeding. If the landlord cannot establish that all documents meet the standard necessary to proceed via the Direct Request Proceeding, the application may be found to have deficiencies that necessitate a participatory hearing, or, in the alternative, the application may be dismissed.

In this case, I note there are several deficiencies with the Landlord’s application, including:

- The Landlord did not submit a written tenancy agreement.
- The Landlord did not submit a complete 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (page 1 of 3 only).

I find that the evidentiary material referred to above does not comply with the requirements of Policy Guideline #39, giving rise to deficiencies and ambiguities that cannot be addressed during a Direct Request Proceeding.

The Landlord’s request for an order of possession is dismissed with leave to reapply.

As the Landlord has not been successful, the Landlord’s request to recover the filing fee paid to make the application 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: January 19, 2021

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Residential Tenancy Branch