



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding OWNER C/O PACIFIC QUORUM PROPERTIES INC
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* and dealt with an Application for Dispute Resolution filed by the Landlord for an order of possession and a monetary order based on unpaid rent, 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.

The Landlord submitted a signed Proof of Service - Notice of Direct Request Proceeding (the "Proof of Service") which declares that the Landlord served the Notice of Direct Request Proceeding and supporting documents on the Tenant by registered mail and by email on March 5, 2021.

I have examined the documentary evidence submitted by the Landlord and have been unable to identify documentary evidence in support of service in the manner described on the Proof of Service – such as a Canada Post proof of delivery, or confirmation that the email address used was provided by the Tenant for the purpose of service of documents. As a result, I find I am unable to confirm service of the Notice of Dispute Resolution Proceeding and supporting documents on the Tenant as described on the Proof of Service in accordance with Policy Guidelines #12 and #39.

Considering the above, I order that the Landlord's request for an order of possession and a monetary order for unpaid rent are dismissed with leave to reapply.

As the Landlord has not been successful, I order that the Landlord's request to recover the filing fee 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: March 17, 2021

Residential Tenancy Branch