



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BONSOR APARTMENTS C/O BAYSIDE PROPERTY SERVICES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPRM-DR, OPR-DR-PP, 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 a monetary order based on unpaid rent, and to recover 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.

Policy Guideline #39 confirms that a landlord making an application for dispute resolution by direct request must provide documentation including those showing changes to the tenancy agreement or tenancy, such as changes to parties or their agents.

I have reviewed all documentary evidence and I find that the Landlord’s name on the application does not match the landlord’s name on the tenancy agreement and on various other documents submitted with the application. There is also no evidence or documentation showing that the Landlord is the owner of the rental property or is otherwise entitled to any orders that may result from this application.

As this is an *ex parte* proceeding that does not allow for any clarification of the facts, I must be satisfied with the documentation presented. The discrepancy in the Landlord’s name raises a question that cannot be addressed in a Direct Request Proceeding.

I also note that the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities submitted into evidence does not appear to conform to the form and content requirements found in section 52 of the *Act* but make no finding in that regard.

For the above reasons, I order that the Landlord's requests 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 16, 2021

Residential Tenancy Branch