



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **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 Landlords for an order of possession and a monetary order for 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.

In this type of matter, the landlord must prove they served the tenant with the Notice of Dispute Resolution Proceeding with all the required inclusions as indicated on the Notice as per section 89 of the *Residential Tenancy Act*.

The Landlord submitted a Proof of Service Notice of Direct Request Proceeding document for each Tenant indicating that the Notice of Dispute Resolution Proceeding and supporting documents were served by registered mail on March 26, 2021. These documents were supported by Canada Post Customer receipts which included the tracking numbers.

However, the Proof of Service Notice of Direct Request Proceeding documents did not include the required confirmation which includes the name and signature of the person effecting service, and the date the documents were served.

Without this confirmation, I find that I am not able to confirm service of the Notice of Dispute Resolution Proceeding and supporting documents on the Tenants, which is a requirement of the Direct Request process under Policy Guideline #39. For this reason, I find that the Landlords' requests for an order of possession and a monetary order for unpaid rent are dismissed with leave to reapply.

As the Landlords were not successful, I find that the Landlords' request to recover the \$100.00 filing fee paid for this 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: April 16, 2021

---

Residential Tenancy Branch