



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR

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 based on unpaid rent.

The Landlord submitted a signed Proof of Service Notice of Direct Request Proceeding document which declares that they served the Tenant with a Notice of Dispute Resolution Proceeding and supporting documents by attaching a copy to the Tenant's door or other conspicuous place on May 20, 2021, which service as witnessed by P.C.U. Pursuant to sections 89 and 90 of the *Residential Tenancy Act*, I find these documents are deemed to have been received by the Tenant on May 23, 2021, three days after they were attached to the Tenant's door or other conspicuous place.

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 rent increases, or changes to parties or their agents.

I have reviewed all documentary evidence and I find that the Landlord named in the Application does not match the name of the corporate landlord that appears in the tenancy agreement. I also find there is insufficient evidence before me to confirm the Landlord named in the application is authorized to have orders issued in their name.

Considering the above, I order that the Landlord's request for an order of possession is dismissed with 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: May 26, 2021

Residential Tenancy Branch