



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BCIMC REALTY CORPORATION C/O QUADREAL  
RESIDENTIA and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**      **OPR-DR, MNR-DR**

### **Introduction**

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 by the Landlord to obtain an order of possession and monetary compensation based on unpaid rent.

This decision is written based on the Application for Dispute Resolution, evidence, and submissions provided by the Landlord on June 19, 2021.

### **Issues to be Decided**

Is the Landlord entitled to an order of possession for unpaid rent pursuant to sections 46 and 55 of the *Act*?

Is the Landlord entitled to monetary compensation for unpaid rent pursuant to section 67 of the *Act*?

### **Analysis**

The Landlord submitted one Proof of Service Notice to End Tenancy form which declares that on June 5, 2021, the Landlord posted the 10 Day Notice to the door of the rental unit. The Landlord has not submitted the required Proof of Service Notice of Direct Request Proceeding forms to establish service of the Notice of Direct Request Proceeding documents to the Tenants.

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 that they served the Tenants with the Notice of Dispute Resolution Proceeding– Direct Request and all documents in support of the application in accordance with section 89 of the *Act*.

I find that the Landlord has not provided a copy of a Proof of Service Notice of Direct Request Proceeding forms to establish service of the Direct Request Proceeding documents to each Tenant. In their place, I find that the Landlord submitted a second copy of the Proof of Service Notice to End Tenancy form discussing service of the 10 Day Notice to the Tenants.

The Landlord has also submitted copies of registered mail receipts and tracking information that show a package was sent on June 23, 2021. However, I note that the Notice of Dispute Resolution Proceeding- Direct Request provided to the Landlord was not available until July 13, 2021 and was emailed to the Landlord on that day with detailed instructions to serve the Tenants separately.

I find that I am not able to confirm service of the Notice of Dispute Resolution Proceeding - Direct Request Proceeding to the Tenants, which is a requirement of the Direct Request process. For this reason, the Landlord's application for an order of possession and a monetary order for unpaid rent is dismissed with leave to reapply.

### Conclusion

I dismiss the Landlord's application for an order of possession and a monetary order for unpaid rent 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: August 11, 2021

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Residential Tenancy Branch