



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPU-DR, MNU-DR, FFL

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 based on unpaid rent, to obtain monetary compensation for unpaid rent, and to recover the filing fee paid for the application.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent and utilities pursuant to sections 46 and 55 of the *Act*?

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

Is the landlord entitled to recover the filing fee for this application pursuant to section 72 of the *Act*?

Analysis

The landlord has submitted a Proof of Service Notice of Direct Request Proceeding indicating that the tenants have vacated the rental unit. As such, I find that an Order of Possession is not required for this tenancy.

For this reason, the landlord's application for an Order of Possession for unpaid rent and utilities is dismissed without leave to reapply.

I note that the monetary portion of a Direct Request is only available if the landlord is successful in obtaining an Order of Possession for the rental unit. The Direct Request process is not a method of obtaining a faster resolution for a financial claim.

As no Order of Possession was granted in this Application for Dispute Resolution by Direct Request, the landlord's application for a Monetary Order for unpaid rent and utilities is dismissed with leave to reapply through a participatory hearing.

As the landlord was not successful in this application, I find that the landlord is not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

I dismiss the landlord's application for an Order of Possession for unpaid rent and utilities without leave to reapply.

I dismiss the landlord's application for a Monetary Order for unpaid rent and utilities with leave to reapply.

I dismiss the landlord's application to recover the filing fee paid for this application 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: October 08, 2021

Residential Tenancy Branch