



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR-DR

### Introduction

This matter proceeded by way of an *ex parte* Direct Request Proceeding, pursuant to section 48(4) of the *Manufactured Home Park 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.

The landlord submitted one signed Proof of Service Notice of Direct Request Proceeding which declares that on September 16, 2021, the landlord served the tenants the Notice of Dispute Resolution Proceeding - Direct Request by attaching it to the door of the rental unit. The landlord had a witness sign the Proof of Service Notice of Direct Request Proceeding to confirm this service.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent pursuant to sections 39 and 48 of the *Act*?

### Analysis

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 tenants with the Notice of Dispute Resolution Proceeding– Direct Request and all documents in support of the application in accordance with section 82 of the *Act* and in a manner that is considered necessary as per section 64(2)(a) of the *Act*.

Policy Guideline #12 on Service Provisions provides the following requirement:

*“Important: all parties named on an application for dispute resolution must receive notice of the proceedings. Where more than one party is named on an application, each party must be served separately.”*

I find that the landlord has included both tenants' names on one Proof of Service Notice of Direct Request Proceeding form. In an *ex parte* hearing, I find that I am not able to determine whether the landlord posted one copy of the Notice of Dispute Resolution Proceeding - Direct Request for Tenant T.S., one copy for Tenant B.S., or two copies, one for each tenant.

I find that I am not able to confirm service of the Notices of Dispute Resolution Proceeding - Direct Request to each of the parties individually as required by sections 64 and 82 of the *Act* and for this reason, the landlord's application for an Order of Possession for unpaid rent is dismissed with leave to reapply.

### Conclusion

I dismiss the landlord's application for an Order of Possession 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 *Manufactured Home Park Tenancy Act*.

Dated: October 05, 2021

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Residential Tenancy Branch