



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR, MNR-DR, FFL

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 and a monetary order for unpaid rent and to recover 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.

Policy Guideline #39 confirms that a landlord making an application for dispute resolution by direct request must provide certain documentation including those showing changes to the tenancy agreement or tenancy, such as rent increases, or changes to parties or their agents.

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

In addition, I find there is insufficient documentation to support an increase in rent from \$1,195.00 per month (as stated in the tenancy agreement) to \$1,324.00 per month (as indicated on the Direct Request Worksheet and the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated December 2, 2021). Rent increases must be supported by the appropriate Notice of Rent Increase forms to substantiate a claim for the increased rent.

Considering the above, I order that the Landlord's requests for an order of possession and a monetary order for unpaid rent are dismissed with leave to reapply.

As the Landlord has not been successful, I order that the Landlord's request to recover the filing fee 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: January 18, 2022

Residential Tenancy Branch