



Dispute Resolution Services

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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 (the Act) and dealt with an Application for Dispute Resolution filed by the Applicant 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 #12 provides direction to applicants with respect to naming parties. It states:

Parties who are named as applicant(s) and respondent(s) on an Application for Dispute Resolution must be correctly named.

If any party is not correctly named, the director's delegate ("the director") may dismiss the matter with or without leave to reapply.

I have reviewed the documentary evidence submitted and I find there is no landlord named in the application. Further, I find the landlord which appears in the tenancy agreement submitted into evidence does not match the name of the landlord that appears in documents submitted with the application.

Considering the above, I find the evidentiary material gives rise to issues with respect to the landlord's name that require clarification beyond the purview of a Direct Request Proceeding.

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

I order that the Applicant'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: February 28, 2022

Residential Tenancy Branch