



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HAVEN MANAGEMENT CO. LTD.
and [tenant name suppressed to protect privacy]

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 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 copies of certain documents, including documents showing changes to the tenancy agreement or tenancy, such as rent increases, or changes to parties or their agents.

I have reviewed all documentary evidence submitted and I find that the name of the landlord that appears in the tenancy agreement, a numbered company, is different than the Landlord named in the application. This discrepancy is not supported by documents showing changes to the parties or their agents. As a result, I find there is insufficient evidence before me to confirm which landlord may be entitled to the relief claimed.

This discrepancy in the landlord's name raises an issue that cannot be addressed in a Direct Request Proceeding. As I am unable to confirm the correct legal name of the landlord, I find that the Landlord's requests for a monetary order and an order of possession are dismissed with leave to reapply.

As the Landlord is not successful, I find that the 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 9, 2022

Residential Tenancy Branch