Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wanson (Linden) Holdings Ltd. c/o Citybase Mgmt
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes   OPR, MNR

Introduction

This matter proceeded by way of 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 for an Order of Possession and a monetary order for unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding; it declared that on September 10, 2014 the landlord served the tenant with the Notice of Direct Request Proceeding by registered mail.

Pursuant to section 90 of the *Residential Tenancy Act* the tenants are deemed to have received the documents five days after mailing.   Based on the written submissions of the landlord, I find that the tenants have been duly served with the Direct Request Proceeding documents.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?
Is the landlord entitled to a monetary order for unpaid rent and if so, in what amount?

Background and Evidence

The landlord submitted a copy of a residential tenancy agreement which was signed by the tenant and parties named as landlord who different from the landlord named in this direct request proceeding. The applicant did not submit any additional documentation concerning a change of parties or to show the applicant's connection to the tenancy or to the rental property.

Analysis and conclusion

The Residential Tenancy Policy Guideline with respect to Direct Requests states that:

ONUS ON THE LANDLORD

The landlord must provide, when making an application for dispute resolution, copies of:

- the tenancy agreement;
- documents showing changes to the tenancy agreement or tenancy, such as rent increases, or changes to parties or their agents;
- documents supporting the amount of rent due, such as rent ledger or receipt book;
- the 10-Day Notice to End Tenancy for Unpaid Rent (this is often considered proof that the tenant did not pay rent); and,
- proof that the landlord served the tenant with the 10-Day Notice to End Tenancy for Unpaid Rent.

The guideline goes on to say that:

The Residential Tenancy Branch may dismiss, with leave to reapply, an application made through the Direct Request process when a landlord:

- has not provided all the required documents with the application for dispute resolution;
- has not provided proof of service of the required documents; or
- has applied to recover the filing fee, retain the security deposit or for compensation other than the unpaid rent, in addition to the Order of Possession and unpaid rent

In this application the landlord has not provided documents showing changes to the parties to the tenancy agreement as required by the Policy Guideline. Based on the quoted provisions of the Policy Guideline and the discrepancy between the parties named in the Application for Dispute Resolution and the supplied evidence, I dismiss the landlord's application for an order for possession and a monetary order 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 *Residential Tenancy Act*.

Dated: September 17, 2014

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Residential Tenancy Branch