



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Code   OPR-DR

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 based on unpaid rent.

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 provides direction to landlords who make an application for dispute resolution by direct request. It states:

*When making an application for dispute resolution through the direct request process, the landlord must provide copies of:*

- *the written tenancy agreement;*
- *documents showing changes to the tenancy agreement or tenancy, such as rent increases, or changes to parties or their agents;*
- *the Direct Request Worksheet (form RTB-46) setting out the amount of rent or utilities owing which may be accompanied by supporting documents such as a rent ledger or receipt book;*
- *the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (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 or Utilities and, if applicable, the Written Demand to Pay Utilities.*

[Reproduced as written.]

The language in Policy Guideline #39 is mandatory.

In this case, I find that the documents required under Policy Guideline #39 – tenancy agreement, notice to end tenancy, proof of service of the notice to end tenancy, and the direct request worksheet – were not submitted with the application. The files uploaded to the Service Portal were blank.

Considering the above, I find I am unable to grant the relief sought. The Landlord's application is dismissed 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: January 28, 2021

---

Residential Tenancy Branch