



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-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 for unpaid rent and to recover the filing fee.

In an ex parte Direct Request Proceeding, the onus is on the applicant 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 applicant 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 a landlord making an application for dispute resolution by Direct Request. It confirms that a landlord 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.

In this case, the corporate Landlord named in the application does not match the name of the landlord named in the tenancy agreement (J.J.) or the landlord named on the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated December 7, 2021 (P.B.).

There is also no evidence or documentation showing that the Landlord is the owner of the rental property or is otherwise entitled to any orders that may result from this application.

As this is an ex parte proceeding that does not allow for any clarification of the facts, I must be satisfied with the documentation presented. The discrepancy in the landlord's name raises a question that cannot be addressed in a Direct Request Proceeding.

For this reason, I order that the Landlord's request for an order of possession for unpaid rent is dismissed with leave to reapply.

As the Landlord was not successful, I find 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 20, 2022

Residential Tenancy Branch