



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

### Dispute Codes

OPR, MNR, MNSD, FF

### Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of 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 which declares that on September 15, 2009 the Landlord served the Tenant with the Notice of Direct Request Proceeding by putting it under his door. Section 89 of the Act states that an application may only be served in one of three ways; in person, by registered mail or by posting it **on** the rental unit door. This information is also set out on the Proof of Service document. Consequently, I find that the Tenant was not properly served with the Notice of Direct Request proceeding.

### Conclusion

Having found that the Landlord has failed to prove service of the Notice of Direct Request Proceeding I have determined that this application be 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: September 23, 2009.

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Dispute Resolution Officer