



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 October 28, 2009, the Landlord served the Tenant with the Notice of Direct Request in person. Based on the Landlord's written submissions, I find that the Tenant was personally served with Notice of this Application.

As part of the Direct Request Proceeding, the Landlord is also required to submit a Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent. The copy provided by the Landlord states that on October 15, 2009, the Landlord served the Notice in person on "an adult at the tenant's address." Section 88(e) of the Act requires that service of the Notice be made "by leaving a copy at the person's residence with an adult *who apparently resides with the person.*" Consequently, I find that there is insufficient evidence to determine if the Tenant was properly served with the 10 Day Notice. Furthermore, it is unclear how there can be arrears of rent owing in the amount of \$2,175.00 as of October 15, 2009 as alleged on the 10 Day Notice and declared by the Landlord on his application when the tenancy allegedly started on October 1, 2009 and rent is \$1,400.00 per month.

Conclusion

I find that a conference call hearing is required in order to determine if the 10 day Notice to End Tenancy was properly served on the Tenant and to determine the amount of the rent arrears. Consequently, I order that the direct request proceeding be reconvened in accordance with section 74 of the Act. Notices of Reconvened Hearing are enclosed with this decision for the Applicant to serve upon the Tenant within **three (3) days** of receiving this decision in accordance with section 88 of the Act. 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: November 06, 2009.

Dispute Resolution Officer