



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 hearing proceeded by way of Direct Request Proceeding, pursuant to section 74(2)(b) of the Act, and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on January 28,, 2010 at 5:05 p.m. the landlord served the tenant with the Notice of Direct Request Proceeding via her older brother at the rental unit address. This method of service is not adequate when making Application requesting a monetary Order. The tenant must be personally served or served via registered mail at the address where she resides.

In relation to an Application requesting an order of possession, the tenant may be served via an adult who apparently resides with the tenant. There is no evidence before me that the tenant's brother is an adult who resides with the tenant.

Based on the written submissions of the Landlord, I find the tenant has not been duly served with the Dispute Resolution Direct Request Proceeding documents.

Analysis

In the absence of the evidence of proof of service of the Notice of this Direct Request Proceeding this Application is dismissed with leave to reapply.

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: February 10, 2010.

Dispute Resolution Officer