

DECISION

Dispute Codes – OPR, MNR

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act (Act)*, and dealt with an Application for Dispute Resolution by the landlord for an order of possession and a monetary order due to unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 13, 2010 at 2:15 p.m. the landlord served an “adult in suite” with the Notice of Direct Request Proceeding personally. The landlord did not indicate if the “adult in suite” resides with the tenant.

Section 89 (1) of the *Act* requires an application for dispute resolution be served by leaving a copy with the person; sending a copy by registered mail to the address at which the person resides; or to a forwarding address provided by the tenant.

In addition Section 89 (2) allows the landlord to serve an application for an order of possession by leaving a copy with the tenant; sending a copy by registered mail the address at which the tenant resides; leaving a copy at the tenant’s residence with an adult who apparently resides with the tenant; or attaching a copy to a door or other conspicuous place at the address at which the tenant resides.

Based on the written submissions of the landlord, I find that the landlord has failed to prove that the tenant has been served with the Dispute Resolution Direct Request Proceeding documents in accordance with Section 89 of the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent and to a monetary order for unpaid rent, pursuant to Sections 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Conclusion

As the landlord has failed to prove service of the Dispute Resolution Direct Request Proceeding documents in accordance with Section 89 of the *Act*, I dismiss the landlord's Application in its entirety, 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: August 24, 2010.

Dispute Resolution Officer