



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

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. A participatory hearing was not convened.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on December 2, 2010 at 9:00 a.m. the landlord served the tenant with the Notice of Direct Request Proceeding by posting it on the rental unit door but the landlord also notes that the “tenant has skipped town unit abandoned”.

Section 89 stipulates that Notice of Direct Request documents, must be served, for monetary matters in one of the following ways:

1. By leaving a copy *with the person*;
2. By sending a copy by registered mail to an address at which *the tenant resides*;
or
3. By sending a copy by registered mail to a *forwarding address* provided by the tenant.

For Notice of Direct Request documents related to an order of possession there are two additional acceptable methods and they include:

1. By leaving a copy at the tenant’s residence with an adult who *apparently resides with the tenant*; or
2. By attaching a copy to a door or other conspicuous place at the address at which *the tenant resides*.

As per the landlord’s submission that he posted the Notice of Direct Request documents to the door of the rental unit that he knows the tenants no longer reside in, I find that the tenant has not been served with the Dispute Resolution Direct Request Proceeding documents in accordance with 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 serve the tenant with Notice of this proceeding in accordance with 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: December 07, 2010.

Dispute Resolution Officer