



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* (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 two signed Proof of Service of the Notice of Direct Request Proceeding documents. Both of the Proof of Service documents indicate that one of the two respondents (referred to by the initials JR) was personally served with the Notice of Direct Request on December 14, 2010. The other respondent (referred to the initials RE) was not served in person or by registered mail.

Upon review of the tenancy agreement signed in December 2008, I note that RE is identified as the tenant and JR is identified as a "minor person" permitted to occupy the rental unit. I was not provided sufficient evidence that the tenancy agreement changed to reflect JR as a tenant. Nor, was I provided sufficient evidence to determine whether JR was an adult at the time of service of the Notice of Direct Request Proceeding.

Section 89 of the Act determines the method of service for documents related to a dispute resolution proceeding. The landlord has applied for a Monetary Order which requires that the landlord serve each tenant in person or by registered mail, set out by section 89(1) of the Act. In this case the tenant RE was not served with the documents for this proceeding and I cannot consider the landlord's request for a Monetary Order against RE.

The landlord has requested an Order of Possession. Section 89(2) of the Act determines that the landlord may leave a copy of the Application for Dispute Resolution related to a request for an Order of Possession at the tenant's residence with an adult who apparently resides with the tenant. Since I am unable to determine whether JR was an adult at the time of service I find I am unable to conclude sufficient service upon RE for an Order of Possession.

In light of the above, the landlord's application is dismissed with leave to reapply in order to properly serve the tenant and provide proof that service complies with the requirements 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: December 16, 2010.

Dispute Resolution Officer