



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 June 17, 2011 the landlord served an occupant of the rental unit with the Notice of Direct Request Proceeding personally at her place of work.

Section 89 (1) stipulates that for most matters under dispute, such as seeking a monetary order, the landlord must serve the tenant with a copy of his Application for Dispute Resolution in any one of the following ways:

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

As the landlord has served an occupant with a copy of the Application, and not the tenant, I find the landlord has not sufficiently served the tenant with notice of the Application for a monetary order for the purposes of a direct request proceeding.

Section 89(2) goes on to say that when a landlord seeks an order of possession a copy of the Application may be served in any one of the following ways:

1. By leaving a copy with the tenant;
2. By sending a copy by registered mail to the address at which the tenant resides;
3. By leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;
4. By attaching a copy to a door or other conspicuous place at the address at which the tenant resides.

In all of the points 2, 3, and 4 of Section 89(2), the Application must be served at a location where the **tenant** resides not where an occupant works or even at the dispute address if the tenant no longer resides at that location.

As the landlord submits that she served an occupant of the rental unit at her place of work, I find the landlord has failed to serve the tenant sufficiently with notice of the direct request proceeding.

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

Based on my findings above, I dismiss the landlord's Application for Dispute Resolution 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: June 30, 2011.

Residential Tenancy Branch