



# 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* (the Act). The landlord applied for an order of possession and a monetary order for unpaid rent.

### Preliminary Issue – Service of Notice to End Tenancy

The Proof of Service of the Notice to End Tenancy submitted by the landlord is fatally flawed. The document indicates that the landlord served the notice either by posting it on the tenant's door or by leaving the notice personally with a friend of the tenant. The section indicating that the notice was posted does not include a signature of a witness. The section indicating that the notice was left with a friend of the tenant does not name the friend or indicate that he was over 19 years of age. Furthermore, a notice may be served on a person other than the tenant who is an apparent occupant of the rental unit over the age of 19, but it may not be a guest of the tenant.

I find that the landlord has failed to provide sufficient evidence that they served the notice to end tenancy in a way permitted under the Act.

### Conclusion

The landlord's application is dismissed.

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 29, 2012.

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Residential Tenancy Branch