



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding O.J. REALTY & PROPERTY MANAGEMENT INC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This matter proceeded 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 a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 12, 2013, the landlord served the tenant’s girlfriend at the tenant’s residence with the Notice of Direct Request Proceeding.

Preliminary Issue

The Direct Request process is a mechanism that allows the landlord to apply for an expedited decision, with that the landlord must follow and submit documentation exactly as the *Act* prescribes; there can be no omissions or deficiencies with items being left open to interpretation or inference as is the case before me.

In this case, the Notice of Direct Request proceeding was not served on the tenant in the tenancy agreement; it was served on the tenant’s girlfriend. As a result, I am unable to determine if the person who received the notice is an adult who apparently resides with the tenant as required by the Act. There is no documentary evidence on this specific issue.

Under these circumstances, I find that the landlord has not provided sufficient evidence to support that the tenant was served with the application. Therefore, I dismiss the landlord’s application with leave to re-apply.

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 16, 2013

Residential Tenancy Branch

