



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"), and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 21, 2013 the landlord served the tenant with the Notice of Direct Request Proceeding via facsimile.

No evidence of receipt of the facsimile was provided; the number used for service was not indicated, the time the facsimile was sent was not provided and there was no evidence before me that the tenant had acknowledged receipt of the Notice of Direct Request. When making a monetary claim the respondent must be served either personally or via registered mail to the address where that person resides. Service of an application for dispute resolution via facsimile is not an approved method of service; as determined by section 88 of the Act.

Therefore, in the absence of evidence that the tenant has been served with Notice of this proceeding I find that the application is dismissed with leave to reapply.

If the landlord reapplies the landlord will also be required to prove the method of service used for the 10 day Notice to end tenancy for unpaid rent.

Conclusion

The application is dismissed 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: September 03, 2013

Residential Tenancy Branch

