



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FIRESIDE PROPERTY GROUP LTD.
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 for unpaid rent and a monetary order for unpaid rent.

In addition to other documentary evidence, the landlord submitted a Proof of Service document for the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”) dated April 3, 2014, which does not indicate the age of the person, “AC” who signed on behalf of the tenant, “ND”. In optional details, it is written, “Witnessed age identification”. Furthermore, the landlord’s witness, “JK” did not sign in the area which indicates “By posting it on the Tenant’s door” on the same document.

Preliminary Issues and Conclusion

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.

In this matter, the Proof of Service document related to the 10 Day Notice dated April 3, 2014 does not indicate the age of the person, “AC” who signed on behalf of the tenant, “ND”. Furthermore, the landlord’s witness, “JK” failed to sign in the area which indicates “By posting it on the Tenant’s door” on the same document. Section 88 of the *Act* requires that documents left at a person’s residence to be left with an adult who apparently resides with the person, such as an adult living with the tenant. The only details provided are “Witnessed age identification”, however, there is no indication of the birthdate of “AC” or the age of “AC”. Furthermore, the landlord’s witness did not sign in the area that indicates that the 10 Day Notice was posted to the tenant’s door. Given

the above, I am not satisfied that the 10 Day Notice was served on an adult residing with the tenant, or that the 10 Day Notice was posted to the tenant's door as the landlord's witness failed to sign that specific area on the Proof of Service of the 10 Day Notice.

Therefore, I find that the landlord's application is not suitable for the direct request process and **I dismiss** the landlord's application **with leave to reapply**. The landlord should not apply for a direct request proceeding unless all documents are provided in full and that there can be no omissions or deficiencies with documents being left open to interpretation or inference, or missing important information such as the age of the person served with a 10 Day Notice.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: April 30, 2014

Residential Tenancy Branch

