



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 0796313 BC Ltd.  
and [tenant name suppressed to protect privacy]

## 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 Direct Request procedure is an expedited procedure which is based on written documentation only and which may only be used if the tenant has not paid rent or not filed an application to cancel a Notice to End Tenancy within 5 days of being served with the Notice to End Tenancy. Applications processed through the Direct Request procedure must be completed correctly and have all required supporting documentation attached. There is no ability for an arbitrator to ask questions of the parties.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on May 29, 2014, at 4:15 p.m., the Landlord's agent served the Notice of Direct Request Proceeding in the following manner, "with the tenant at [the rental unit]". The Landlord also provided a copy of a statement signed by someone other than the Tenant which states, "I [name of person signing statement] received Notice of direct request in person on May 29, 2014 at [the rental unit]. I am 20 years of age".

A landlord may serve a tenant with the Notice of Direct Request Proceeding (the "Notice") by leaving a copy at the tenant's residence with an adult **who apparently resides with the tenant** for the purpose of requesting an Order of Possession, but not for the purpose of requesting a Monetary Order. If a landlord is seeking a Monetary Order, the Notice must be served in accordance with the provisions of Section 89(1) of the Act. Therefore, I find that the Landlord did not provide sufficient evidence that the Tenant was served with the Notice for the purposes of requesting a Monetary Order and this part of the Landlord's application is dismissed **with leave to reapply**.

With respect to the Landlord's request for an Order of Possession, I find that the Landlord did not provide sufficient evidence to prove that the adult person who was

served was ***apparently residing with the Tenant***. Therefore, this portion of the Landlord's application is also dismissed **with leave to reapply**.

### **Conclusion**

The Landlord's 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: June 03, 2014

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Residential Tenancy Branch

