



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Century 21 Performance Realty & Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act (Act)*, and dealt with an Application for Dispute Resolution by the landlord for a monetary order due to unpaid rent. A participatory hearing was not convened.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on June 26, 2014 at 2:00 p.m. the landlord served the female tenant with the Notice of Direct Request Proceeding personally.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on June 27, 2014 at 10:30 a.m. the landlord served the male tenant with the Notice of Direct Request Proceeding by posting the Notice of Direct Request Proceeding to the rental unit door.

Section 89(1) of the *Act* stipulates that an application for dispute resolution (such as a monetary claim), when required to be given to one party by another, must be given in one of the following ways:

- (a) By leaving a copy with the person;
- (b) If the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) By sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) If the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) As ordered by the director under section 71 (1).

Section 89(2) states that an application for dispute resolution by a landlord seeking an order of possession must be given to the tenant in one of the following ways:

- (a) By leaving a copy with the person;
- (b) By sending a copy by registered mail to the address at which the person resides;
- (c) By leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;

(d) By attaching a copy to a door or other conspicuous place at the address at which the tenant resides;

(e) As ordered by the director under section 71 (1).

Based on the written submissions of the landlord, I find that the female tenant has been sufficiently served with the Dispute Resolution Direct Request Proceeding documents pursuant to the *Act*.

However, as the landlord's claim is only for a monetary order Section 89(1) does not allow the landlord to serve hearing documents by posting them on the door of the rental unit. As such, I find the landlord has failed to serve the male tenant with notice of this proceeding in accordance with the requirements of the *Act*. I therefore, amend the landlord's Application to exclude any orders against the male tenant.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent, pursuant to Sections 67, and 72 of the *Act*.

Background and Evidence

The landlord submitted the following documentary evidence:

- A copy of a residential tenancy agreement which was signed by the parties on September 16, 2013 for an 11 month fixed term tenancy beginning on October 1, 2013 for the monthly rent of \$650.00 due on the 1st of each month and a security deposit of \$325.00 was paid; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on June 9, 2014 with an effective vacancy date of June 23, 2014 due to \$900.00 in unpaid rent.

Documentary evidence filed by the landlord indicates the tenants failed to pay the full rent owed for the months of January (\$50.00); May (\$200.00); and June (\$650.00) and that the tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent by posting it to the rental unit door on June 9, 2014 at 1:00 p.m. and that this service was witnessed by a third party.

Analysis

Based on the undisputed documentary evidence and the fact that the tenants did not submit an Application for Dispute Resolution seeking to cancel the 10 Day Notice to End Tenancy for Unpaid Rent I find the tenants have failed to pay the rent in the amount of \$900.00 as submitted by the landlord.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$900.00** comprised of rent owed.

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

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 30, 2014

Residential Tenancy Branch

