



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

This matter proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Residential Tenancy Act (the “Act”), and deals with an Application for Dispute Resolution by the Landlord for:

1. An Order of Possession – Section 55; and
2. A Monetary Order for unpaid rent – Section 67.

The Landlord submitted an affidavit in relation to the service of the Notice of Direct Request Proceeding that includes the Application. The Application names two Respondents (Tenants). The affidavit of service for each Tenant attaches an identical tracking number and a copy of one receipt for the registered mail service.

Section 89 of the Act provides that an application by a landlord for an order of possession under section 55 must be given to the tenant in one of the following ways:

- (a) by leaving a copy with the tenant;
- (b) by sending a copy by registered mail to the address at which the tenant 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) [*director's orders: delivery and service of documents*].

Where more than one party is named on an application for dispute resolution, each party must be served separately.

Given the lack of evidence in relation to each Tenant being served separately, I find that the Landlord has not provided sufficient evidence of service of the Application on each Tenant as required under the Act. I therefore dismiss the Application 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: July 14, 2014

Residential Tenancy Branch

