



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## 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”) which does not indicate the age of the person, “JR” who signed the Proof of Service document. Furthermore, the person “JR” is not listed as a tenant in the tenancy agreement submitted in evidence. Finally, there is no information confirming that the person “JR” lives at the rental unit address.

### Preliminary Issue 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 July 7, 2014 does not indicate the age of the person who signed the Proof of Service document, “JR”. Furthermore, there was no evidence provided supporting that “JR” resides in the rental unit and was an adult. 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. In addition, “JR” is not listed as a tenant in the tenancy agreement submitted in evidence.

Given the above, I am not satisfied that the 10 Day Notice was served on an adult residing with the tenant or on either tenant named in the tenancy agreement, due to insufficient evidence.

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** through the regular hearing process, which includes a participatory hearing. 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, and whether that person resides in the rental unit.

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: July 25, 2014

---

Residential Tenancy Branch

