



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes

OPR, MNR

### Introduction

The landlord applied for an Order of Possession and a Monetary Order for unpaid rent under the Direct Request Procedure, pursuant to section 55(4) of the *Residential Tenancy Act* (the "Act").

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding to declare that on July 9, 2014 the landlord served the tenant with the Notice of Direct Request Proceeding by giving the documents to his "adult" daughter referred to in this decision by initials HK.

Section 89 of the Act provides for ways an Application for Dispute Resolution must be served upon a respondent. Subsection 89(1) provides for service of applications dealing with monetary claims and subsection 89(2) provides for service of applications where an Order of Possession is requested. Leaving an Application for Dispute Resolution with an adult occupant who apparently resides with the tenant is permissible under section 89(2). As such, this method of service is sufficient for purposes of seeking an Order of Possession; however, this method of service is not permissible for purposes of seeking a Monetary Order. Therefore, I cannot proceed to consider the landlord's request for a Monetary Order based upon the method of service chosen.

Upon further review of the tenancy agreement, I note that HK was listed as an occupant of the rental unit that was 18 years old when the tenancy agreement was executed on March 14, 2014. In British Columbia a person is an adult once they reach the age of 19 years. In the absence of any other evidence or information to suggest HK turned 19 between March 15, 2014 and July 9, 2014 I find I am unable to conclude the landlord served the required documentation upon an adult. Therefore, I decline to further consider the landlord's request for an Order of Possession.

In light of the above, I dismiss the landlord's Application for Dispute Resolution with leave to reapply and meet the service requirements as provided under section 89 of the Act.

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 18, 2014

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Residential Tenancy Branch

