



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COUNTY MOBILE HOME PARK
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession for unpaid rent.

The Landlord submitted signed Proof of Service of the Notice of Direct Request Proceeding forms which declare that the Landlord's Agent K.F. served each Tenant the documents on August 1, 2014, when she personally served herself (K.F.) with the documents.

Issue(s) to be Decided

Has the Landlord met the burden to prove each Tenant was sufficiently served notice of this proceeding?

Background and Evidence

I have carefully reviewed the following evidentiary material submitted by the Landlord:

- A copy of each Proof of Service of the Notice of Direct Proceeding forms that were submitted by the Agent.

Analysis

The Direct Request procedure is based upon written submissions only and requires that the submissions be sufficiently clear, valid and supported by evidence in order to succeed.

Section 89 of the Act provides methods of service for certain documents that must be served upon each respondent which include personal service of applications for dispute resolution.

The Landlord has filed seeking an Order of Possession and a Monetary Order through the Direct Request process and has provided proof of service documents which declare

that the Landlord's Agent personally served K.F. (herself) with the Direct Request documents that were to be served to each Tenant. Accordingly, I find that services of the Notices of Dispute Resolution were not effected in accordance with Section 89 of the *Residential Tenancy Act*.

To find in favour of an application for a monetary claim, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. As I have found the service of documents not to have been effected in accordance with the *Act*, I dismiss the Landlord's claim, with leave to reapply.

Conclusion

I HEREBY DISMISS the Landlord's 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: August 14, 2014

Residential Tenancy Branch

