



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding REMAX CHECK REALTY
and [tenant name suppressed to protect privacy]

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 served, D.G., and the signature of the person served who signed the document does not match the signature of tenant M.M. on the tenancy agreement submitted in evidence. Furthermore, it appears the person who signed the Proof of Service for the 10 Day Notice starts with the initial “D”, which leads me to believe it was served on and signed by D.G., who is listed on the tenancy agreement as a minor person under the age of 19 on page one of the tenancy agreement.

Preliminary Issue

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 the matter before me, 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 served, D.G., and the signature of the person served signed does not match the signature of tenant M.M. on the tenancy agreement submitted in evidence. Furthermore, it appears the person who signed the Proof of Service for the 10 Day Notice starts with the initial “D”, which leads me to believe it was

signed by D.G., who is listed on the tenancy agreement as a minor person under the age of 19 on page one of the tenancy agreement. This is also supported by what I find to be a missing signature that matches the signature of tenant M.M. on the Proof of Service document for the 10 Day Notice.

Section 88 of the *Act* requires that when serving a person at the person's residence that an adult who apparently resides with the person to be served must be served. In the matter before me, D.G. who signed the 10 Day Notice Proof of Service, is listed as a minor person under the age of 19, and not an adult. Therefore, I am not satisfied that the 10 Day Notice dated August 4, 2014, was served in a method provided for under the *Act*.

As a result of the above, **I dismiss** the landlord's application **with leave to reapply** due to insufficient evidence submitted to support that the 10 Day Notice was served in method provided for under the *Act*.

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.

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: September 17, 2014

Residential Tenancy Branch

