



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This matter proceeded by way of an *ex parte* 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 based on unpaid rent.

Service of Application for Dispute Resolution and Notice of Direct Request Proceedings

The landlord submitted a signed and witnessed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 11, 2014, the landlord placed the Notice of Direct Request Proceeding including a copy of his application for dispute resolution on the porch leaning against the outside door of the tenant's rental unit. The landlord also provided a copy of a signed statement of his witness attesting to his delivery of the Notice of Dispute Resolution Proceeding and copies of photographs of the Notice Package leaning against the outside door of the rental unit.

Analysis – Service of Application for Dispute Resolution and Notice of Direct Request

Section 89(2) of the *Act* establishes the following Special Rules for serving documents to a tenant in a landlord's application for an Order of Possession:

89 (2) *An application by a landlord under section 55 [order of possession for the landlord], ... 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].*

In this case, the landlord's written and photographic evidence establishes that the landlord did not attach a copy of the Notice of Direct Request Proceedings containing

his application for dispute resolution on the tenant's door. Leaving this document outside on a porch without attaching it to the tenant's door or some other conspicuous place is not one of the ways identified in section 89(2) of the *Act* whereby a landlord can serve an application seeking an Order of Possession. For this reason, I dismiss the landlord's application for an end to this tenancy and an Order of Possession with leave to reapply.

Conclusion

I 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: September 16, 2014

Residential Tenancy Branch

