



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

This matter proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Residential Tenancy Act (the “Act”), and deals with an Application for Dispute Resolution by the Landlord for:

1. An Order of Possession – Section 55; and
2. A Monetary Order for unpaid rent – Section 67.

The Landlord submits a proof of service that the Notice of Direct Request Proceeding and application for dispute resolution was given to the Tenant by placing it under the rental unit door.

Section 89 of the Act provides that an application for dispute resolution must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;

(e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

As the Landlord has not provided any evidence of service in the above manner I find that the Landlord has not served the application in accordance with the Act and that the monetary claims contained in the application may therefore not be considered.

The Landlord provided a proof of service of a 10 day notice for unpaid rent (the "Notice"). This evidence indicates that the Notice was given to the Tenant's son.

Section 88 provides that documents such as the Notice may be served by leaving a copy at the person's residence with an adult who apparently resides with the person. As there is no evidence that the Tenant's son either lives with the Tenant or is an adult and considering that there is no evidence of service of the Notice in any other manner, I find that the Landlord has not substantiated that the Notice has been given as required under the Act.

Given the above deficiencies in service requirements, I dismiss the 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: November 21, 2014

Residential Tenancy Branch