



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This matter was conducted in response to a Landlord's Application for Direct Request for an Order of Possession and a Monetary Order for unpaid rent, pursuant to Section 55(4) of the *Residential Tenancy Act* (the "Act").

The Direct Request process is a mechanism that allows the Landlord to apply for an expedited decision without a participatory hearing. As a result, the Landlord must follow and submit documentation **exactly** as the Act prescribes and there can be no omissions or deficiencies within the written submissions that are left open to interpretation or inference.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding form which declares that on December 19, 2014 the Landlord served the Tenant named on the Application with the documents for this hearing.

Under the section titled 'Method of Service' on the Proof of Service of the Notice of Direct Request Proceeding form, the Landlord is required to elect the method of service used to serve the Tenant with the documents for this hearing. The Landlord indicates on the Proof of Service form that the documents for this hearing were served personally.

However, these were not served to the Tenant named on the Application but to an unknown party who is not named on the Application. The Landlord has not provided an explanation as to who the person served with the documents is and how they relate to this tenancy.

Furthermore, the Landlord failed to have a witness complete the Proof of Service form in order to verify the manner of service used.

As a result, I find that the Landlord has failed to provide sufficient evidence that the Tenant was notified of the Direct Request Proceeding in accordance with Section 89 of the Act. I therefore dismiss the Landlord's application but provide leave to re-apply.

If the Landlord pursues another application, the Landlord is cautioned to read the instructions detailed on page two of the application carefully and ensure that documentation is **complete and consistent** throughout the submissions provided. Any discrepancies should be supported with relevant documentation.

The Landlord should also be informed of the service methods available to a Landlord when making such an application. The Landlord may utilize the resources on the Residential Tenancy Branch website or contact the Residential Tenancy Branch using the details overleaf and speak with an Information Officer about methods of service permitted under 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: December 23, 2014

Residential Tenancy Branch

