



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Atira Property Management INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPR – DR OPUM – DR

Introduction

This application has been made via the Direct Request Proceeding; an ex parte process pursuant to section 55(4) of the *Residential Tenancy Act* (the *Act*.)

The landlord has applied requesting an order of possession and monetary order based on unpaid rent.

The landlord submitted a proof of service document which declares that on September 25, 2019 at 2:00 p.m. the landlord served the tenant notice of the direct request proceeding by attaching the Notice of Direct Request Proceeding to the door of the rental unit. The proof of service does not indicate that the landlord served the tenant all supporting documents. That section of the proof of service is not selected as having been completed.

Based on the written submissions of the landlord I find that the tenant has been served the Notice of Direct Request Proceeding in accordance with section 89(2)(d) of the *Act*. This method of service does not suffice when requesting compensation. Further, the landlord has not provided evidence that the tenant was served with the supporting documents that form part of the application.

The onus is on the landlord applicant to ensure that the respondent is served with all supporting documents. I can find no evidence to support service of those documents to the respondent.

Therefore, in the absence of proof of service of all supporting documents to the tenant I find that the application is dismissed with leave to reapply.

I note that the direct request monetary worksheet does not include a full breakdown of unpaid rent.

Conclusion

The application is dismissed 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: October 09, 2019

Residential Tenancy Branch