



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR

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.

The landlord submitted one signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 26, 2019, the landlord served each of the tenants the Notice of Direct Request Proceeding by placing the documents in the mailbox at the rental unit. The landlord had a witness sign the Proof of Service of the Notice of Direct Request Proceeding to confirm this service.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent pursuant to sections 46 and 55 of the *Act*?

Analysis

In this type of matter, the landlord must prove they served the tenants the Notice of Direct Request Proceeding with all the required inclusions as indicated on the Notice as per subsections 89 (1) and (2) of the *Act* which permit service by either leaving a copy with the person, sending a copy by registered mail to the address at which the person resides, leaving a copy with an adult who apparently resides with the tenant; or attaching a copy to the door or other conspicuous place at the address at which the tenant resides.

I find that the landlord has served the Notices of Direct Request Proceeding by leaving them in the mailbox of the rental unit, which is not a method of service that is in accordance with section 89 of the *Act*.

I find that the landlord has not served the tenants with notice of this application in accordance with section 89 of the *Act*, and for this reason, the landlord's application for an Order of Possession for unpaid rent is dismissed, with leave to reapply.

Conclusion

I dismiss the landlord's application for an Order of Possession for unpaid rent, 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