



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Canadian Mental Health Association  
and [tenant name suppressed to protect privacy]

## **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 to obtain an Order of Possession based on unpaid rent.

The landlord submitted two signed Proof of Service Notice of Direct Request Proceeding forms which declare that on April 8, 2022, the landlord served each tenant the Notice of Dispute Resolution Proceeding - Direct Request by tucking the documents under the apartment door. The landlord had a witness sign the Proof of Service Notice of Direct Request Proceeding forms 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 with the Notice of Dispute Resolution Proceeding– Direct Request and all documents in support of the application in accordance with 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
- 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 Dispute Resolution Proceeding - Direct Request by placing them under the door 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: May 04, 2022

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Residential Tenancy Branch