

DECISION

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 the landlord's Application for Dispute Resolution (Application) for:

- an Order of Possession for unpaid rent and/or utilities pursuant to sections 46 and 55 of the Act
- a Monetary Order for unpaid rent and/or utilities pursuant to section 67 of the Act (\$1,631.68)
- authorization to recover the filing fee for this application from the tenant pursuant to section 72 of the Act (\$100.00)

Issue(s) to be decided

Is the landlord entitled to an Order of Possession based on unpaid rent and/or utilities?

Is the landlord entitled to a Monetary Order for unpaid rent and/or utilities? (\$1,631.68)

Is the landlord entitled to recover the filing fee for this application from the tenant? (\$100.00)

Analysis

In this type of matter, the landlord must prove they served the tenant 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; or attaching a copy to the door or other conspicuous place at the address at which the tenant resides.

The landlord submitted a copy of a Proof of Service Notice of Direct Request Proceeding form indicating the Notice of Dispute Resolution Proceeding – Direct Request (the Proceeding Package) was served to the tenant. However, on the Proof of Service Notice of Direct Request Proceeding form, the landlord has not indicated whether they served the Proceeding Package to the tenant in person, on the door, by registered mail, or by a different method of service.

I find I am not able to confirm the method of service of the Notice of Dispute Resolution Proceeding - Direct Request to the tenant, which is a requirement of the Direct Request process.

For this reason, the landlord's application for an Order of Possession and a Monetary Order for unpaid rent and/or utilities is dismissed with leave to reapply.

As the landlord was not successful in this application, I find that the landlord is not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

The landlord's Application for an Order of Possession for unpaid rent and/or utilities pursuant to sections 46 and 55 of the Act is dismissed, with leave to reapply.

The landlord's Application for a Monetary Order for unpaid rent and/or utilities pursuant to section 67 of the Act is dismissed, with leave to reapply.

The landlord's Application for authorization to recover the filing fee for this application from the tenant pursuant to section 72 of the Act is dismissed, without 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 4, 2022

Residential Tenancy Branch