Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes   OPR, MNR, FF

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act (Act)*, and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order due to unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on December 14, 2009 the landlord served the tenant with the Notice of Direct Request Proceeding via registered. The landlord further states in his application that the "house has been abandoned for approx. 6 weeks." The landlord has listed the tenant's address as the dispute address but has not provided confirmation of the address that he has sent the registered mail with the Notice of Direct Request Proceeding.

Section 89 of the *Act* states: "an application by a landlord under section 55 must be given to the tenant in one of the following ways:
   a) By leaving a copy with the tenant'
   b) By sending a copy by registered mail to the address at which the tenant resides;
   c) By leaving a copy at the tenant's residence with an adult who apparently resided with the tenant;
   d) By attaching a copy to a door or other conspicuous place at the address at which the tenant resides;
   e) As ordered by the director under section 71(1)."

Based on the written submissions of the landlord, I am not convinced that the tenant has been served with the Dispute Resolution Direct Request Proceeding documents.

Conclusion

As a result of the above, I dismiss the landlord's application in its entirety with leave to reapply should the landlord locate and properly serve the tenant with notice of the proceedings. 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 24, 2009.

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Dispute Resolution Officer