



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the Act). The landlord applied for an order of possession and a monetary order for unpaid rent.

Preliminary Issue – Service of Notice of Hearing

In their Proof of Service of Notice of Direct Request, the landlord indicated that they served notice of the proceeding on the tenant's daughter. Section 89 of the Act states that a landlord's application for an order of possession may be served by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant. The landlord did not indicate in their evidence whether the tenant's daughter is an adult. I therefore find that the landlord did not provide sufficient evidence that the tenant was served with notice of the direct request proceeding in a manner permitted under the Act.

Conclusion

The landlord's 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: November 14, 2012.

Residential Tenancy Branch