



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL OPRM-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 and a Monetary Order.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on October 23, 2018, the landlord served the tenant with copies of all supporting documents of a Notice of Direct Request Proceeding (although not with a Notice of Direct Request Proceeding itself) by way of personal service via hand-delivery.

However, the personal service was neither confirmed by:

- 1) A tenant acknowledgment in the form of his signature on the Proof of Service form; or
- 2) A witness in the form of his or her signature on the Proof of Service form.

Per *Residential Tenancy Policy Guideline* 39, one of these two options is mandatory:

Method of Service	Proof of Service
Leaving a copy with the tenant in person	Hand-delivery receipt completed and signed by the tenant who received the document(s) stating what document(s) they received by hand, the date and time of service and the name of the person who served the document(s) Or Signed witness statement confirming the name of the person who served the document(s) by hand-delivering them to the tenant, what document(s) they served, the date and time of service and the name of the person the documents were served to

On this basis, I find that I am not able to confirm the tenant has been duly served with the Direct Request Proceeding documents on October 23, 2018.

Accordingly, I dismiss the landlord's application for an Order of Possession and a Monetary Order for unpaid rent, with leave to reapply.

I dismiss the landlord's application to recover the filing fee paid for this application 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 07, 2018

Residential Tenancy Branch